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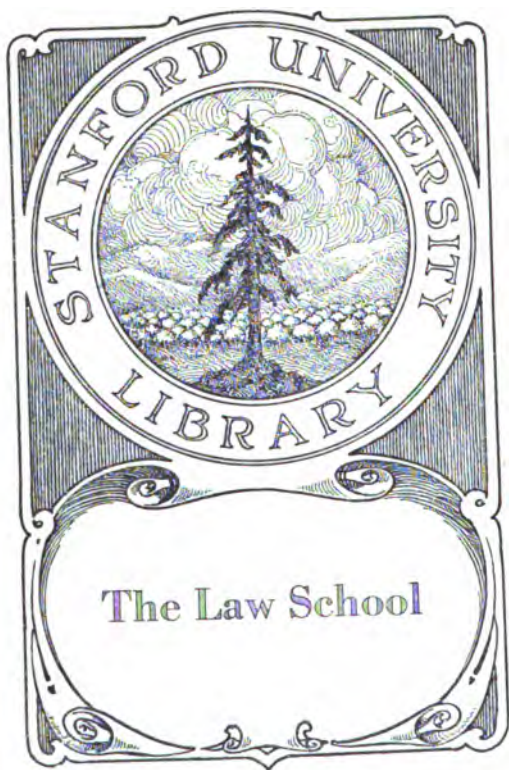
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Aug 20 1881









**ACTS**

OF THE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

OF THE

**STATE OF NEW JERSEY,**

AND

**Fiftieth Under the New Constitution.**



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The following General Public Laws, passed by the One Hundred and Eighteenth Legislature, are compiled in accordance with the act entitled "An act relative to public printing," approved March 23, 1883, which provides "that the laws shall be collated under two heads of General Public Acts, Special Public and Private Acts."

The General Public Laws are printed in the front part of the volume.

The Joint Resolutions and Proclamations by the Governor are placed next after the General Public Laws.

The Special Public and Private Acts follow in the order of their approval, and, with table of Contents and Index of all the laws, complete the same.

HENRY C. KELSEY,  
*Secretary of State.*



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**OF THE**  
**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**  
**OF NEW JERSEY.**

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# GENERAL PUBLIC LAWS

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# GENERAL PUBLIC ACTS

PASSED BY THE

## One Hundred and Eighteenth Legislature

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### CHAPTER I.

An Act to repeal an act entitled "An act concerning the maintaining of race courses in this state, and to provide for the licensing and regulating of the same," passed February twenty-seventh, one thousand eight hundred and ninety-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning the maintaining of race courses in this state, and to provide for the licensing and regulating of the same," passed February twenty-seventh, eighteen hundred and ninety-three, be and the same is hereby repealed. <sup>Act repealed.</sup>

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 21, 1894.

JOHN I. HOLT,  
*Speaker of the House of Assembly.*  
MAURICE A. ROGERS,  
*President of the Senate.*



# GENERAL PUBLIC ACTS

PASSED BY THE

## One Hundred and Eighteenth Legislature

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### CHAPTER I.

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1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Act repealed.</sup> *the State of New Jersey,* That the act entitled "An act concerning the maintaining of race courses in this state, and to provide for the licensing and regulating of the same," passed February twenty-seventh, eighteen hundred and ninety-three, be and the same is hereby repealed.

2. *And be it enacted,* That this act shall take effect immediately.

Passed March 21, 1894.

JOHN I. HOLT,  
*Speaker of the House of Assembly.*  
MAURICE A. ROGERS,  
*President of the Senate.*

## CHAPTER II.

An Act to repeal chapter sixty-four of the laws of one thousand eight hundred and ninety-two, entitled "An act providing for the creation of a police department in cities of the second class in this state whose population now exceeds or may hereafter exceed fifty thousand, and vesting in such police department certain powers of management and appointment now vested in other departments or offices in said cities," approved March eleventh, one thousand eight hundred and ninety-two, and to end the term of office of any officer or officers appointed thereunder.

Act repealed.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That chapter sixty-four of the laws of one thousand eight hundred and ninety-two, entitled "An act providing for the creation of a police department in cities of the second class in this state whose population now exceeds or may hereafter exceed fifty thousand, and vesting in such police department certain powers of management and appointment now vested in other departments or offices in said cities," approved March eleventh, one thousand eight hundred and ninety-two, be and the same is hereby repealed.

Terms of office terminated.

2. And be it enacted, That the term of office of any officer or officers appointed under and by virtue of said act be and the same is hereby terminated.

3. And be it enacted, That this act shall take effect immediately.

Passed March 21, 1894.



## CHAPTER III.

An Act to repeal chapter thirty-three of the laws of one thousand eight hundred and ninety-three, entitled "An act to amend an act entitled 'An act providing for the creation of a police department in cities of the second class in this state whose population now exceeds or may hereafter exceed fifty thousand, and vesting in such police department certain powers of management and appointment now vested in other departments or offices in said cities,' approved March eleventh, one thousand eight hundred and ninety-two," which amendment was passed February twenty-eighth, one thousand eight hundred and ninety-three, and to end the term of office of any officer or officers appointed thereunder.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That chapter thirty-three of the laws of one thousand eight hundred and ninety-three, entitled "An act to amend an act entitled 'An act providing for the creation of a police department in cities of the second class in this state whose population now exceeds or may hereafter exceed fifty thousand, and vesting in such police department certain powers of management and appointment now vested in other departments or officers in said cities,' approved March eleventh, one thousand eight hundred and ninety-two," which amendment was passed February twenty-eighth, one thousand eight hundred and ninety-three, be and the same is hereby repealed. Act repealed.

2. *And be it enacted*, That the term of office of any officer or officers appointed under and by virtue of said act be and the same is hereby terminated. Terms of office terminated.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 21, 1894.

## CHAPTER VI.

An Act to repeal an act entitled "An act to provide that betting and the practice and betting commonly known as book-making upon horse races within the enclosed grounds of any incorporate association or body in this state, or the keeping of a place or places within such grounds to which persons may resort for such betting, shall not constitute any misdemeanor or criminal offense when such association or incorporated body is not indictable for the carrying on of said races therein," passed February twenty-seventh, one thousand eight hundred and ninety-three.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to provide that betting and the practice and betting commonly known as book-making, upon horse races within the enclosed grounds of any incorporate association or body in this state, or the keeping of a place or places within such grounds to which persons may resort for such betting, shall not constitute any misdemeanor or criminal offense when such association or incorporated body is not indictable for the carrying on of said races therein," passed February twenty-seventh, one thousand eight hundred and ninety-three, be and the same is hereby repealed, and this act shall take effect immediately.

Passed March 21, 1894.

## CHAPTER VII.

An Act to repeal an act entitled "An act providing for the placing of electrical conductors under ground in cities of this state, and for the creation of a state board of commissioners of electrical subways," approved March tenth, one thousand eight hundred and ninety-two, and to end the term of office of any person or persons appointed thereunder.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act providing for the placing of electrical conductors under ground in cities of this state, and for the creation of a state board of commissioners of electrical subways," approved March tenth, one thousand eight hundred and ninety-two, be and the same is hereby repealed, and the term of office of any person or persons appointed under said act be and the same is hereby ended forthwith. Act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 21, 1894.

## CHAPTER VIII.

An Act to repeal an act entitled "A supplement to an act entitled 'An act for the government and regulation of the the state prison,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was passed February twenty-seventh, one thousand eight hundred and ninety-three.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That chapter twenty-one of the laws of this state, passed February twenty-seventh, one thousand eight hundred and ninety-three, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 21, 1894.

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## CHAPTER IX.

An Act to repeal an act entitled "An act providing for state policemen and defining their powers and duties," approved March ninth, one thousand eight hundred and ninety-one.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act providing for state policemen and defining their powers and duties," approved March ninth, one thousand eight hundred and ninety-one, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 21, 1894.

## CHAPTER X.

An Act to repeal chapter one hundred and twenty-six of the laws of one thousand eight hundred and ninety-one, entitled "An act to create county boards of license commissioners and to define their powers and duties," approved March twentieth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Act repealed.</sup> *of the State of New Jersey*, That chapter one hundred and twenty-six of the laws of one thousand eight hundred and ninety-one, entitled "An act to create county boards of license commissioners and to define their powers and duties," approved March twentieth, one thousand eight hundred and ninety-one, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 21, 1894.

## CHAPTER XI.

An Act to repeal chapter two hundred and fifty of the laws of one thousand eight hundred and ninety-two, entitled "A supplement to an act entitled 'An act to create county boards of license commissioners and to define their powers and duties,' approved March twentieth, one thousand eight hundred and ninety-one," which supplement was approved April fourth, one thousand eight hundred and ninety-two.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Act repealed.</sup> *the State of New Jersey*, That chapter two hundred and fifty of the laws of one thousand eight hundred and ninety-two,

entitled "A supplement to an act entitled 'An act to create county boards of license commissioners and to define their powers and duties,' approved March twentieth, one thousand eight hundred and ninety-one," which supplement was approved April fourth, one thousand eight hundred and ninety-two, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 21, 1894.

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## CHAPTER XII.

An Act to repeal an act passed February twenty-seventh, one thousand eight hundred and ninety-three, entitled "Supplement to an act entitled 'An act for the punishment of crimes' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four."

Act repealed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, that the act passed February twenty-seventh, one thousand eight hundred and ninety-three, entitled "Supplement to an act entitled 'An act for the punishment of crimes,' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," be and the same is hereby repealed, and this act shall take effect immediately.

Passed March 21, 1894.

## CHAPTER XIII.

An Act to repeal an act entitled "An act authorizing the the board of chosen freeholders in counties of the second class to fill vacancies," which act was approved March seventeenth, one thousand eight hundred and ninety-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act authorizing the board of chosen freeholders in counties of the second class to fill vacancies," which act was approved March seventeenth, one thousand eight hundred and ninety-three, be and the said act is hereby repealed. <sup>Act repealed.</sup>

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 21, 1894.

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## CHAPTER XIV.

An Act to repeal an act entitled "An act appropriating money to execute the laws when no specific appropriations are made therefor," approved March ninth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act appropriating money to execute the laws when no specific appropriations are made therefor," approved March ninth, one thousand eight hundred and ninety-one, be and the same is hereby repealed. <sup>Act repealed.</sup>

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 21, 1894.

## CHAPTER XV.

## An Act respecting executions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when an execution against the property of any debtor, upon a judgment, recovered or docketed in the supreme court, or in the circuit court, or court of common pleas for any county of this state, or which now is or hereafter shall be docketed in the court of common pleas from any of the courts for the trial of small causes or district courts of any city of this state, shall be returned by the officer to whom it is delivered, satisfied, it shall be the duty of the clerk of the court out of which such execution issued to enter on the margin of record of the judgment for which execution issued, the following: "cancelled by execution returned, satisfied," and to sign his name thereto.

When execution is satisfied clerk shall note same on margin of record.

2. *And be it enacted*, That the clerk of the court who shall enter such cancellation as aforesaid shall receive for such service the sum of twenty cents to be paid by the officer returning such execution, which sum of twenty cents shall be taxed by the officer aforesaid as part of the execution fees.

Clerk's fee.

Clerk required to cancel judgment.

3. *And be it enacted*, That it shall also be the duty of the clerk aforesaid, upon request of any person interested in any judgment entered in any of the said courts, upon which an execution has heretofore been returned, satisfied, upon receipt of said fee, to enter a cancellation on the record of such judgment as above mentioned.

4. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Passed March 21, 1894.



## CHAPTER XVI.

An Act concerning bills that have been or may be presented to the governor and that have become or may become laws without his signature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any bill has passed or shall pass both houses of the legislature, and has been or shall be presented to the governor in pursuance of the seventh paragraph of the fifth article of the constitution of this state, and the same has not been or shall not be returned to the house in which it originated within the time limited by the constitution, whereby the same has become or shall become a law in like manner as if the governor had signed the same, it shall be the duty of the governor, or of the chairman of the committee of the house of the legislature that has presented or shall present any such bill to him, to endorse thereon (or on a copy thereof, certified to be such by the presiding officer of the house of the legislature in which it originated) and sign a certificate of the true time the same was or shall be presented to the governor, and deposit such law, or such copy thereof in the office of the secretary of state, with a certificate also endorsed thereon and signed by the governor, or by such chairman, stating the time of making such deposit, and any such law shall be safely kept in said office with the other laws of the same sitting and published as now directed by law; the secretary of state shall give a copy of any such law to any person or persons who may make application for the same, which copy when certified by said secretary under his hand and seal to be a true copy, or verified by the affidavit of any other person, shall be received in evidence in any court of this state, and be as good, effectual, and available in law as if the original was then and there produced and proved; the compensation for making any such copy shall be the same as now provided by law.

Governor or chairman of committee of House or Senate shall certify act and deposit with Secretary of State.

Certified copy of same by Secretary of State or copy verified by affidavit of any other person shall be received in evidence and be effectual in law.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Passed March 21, 1894.

## CHAPTER XVII.

An Act to amend an act entitled "An act concerning idiots, and lunatics," approved March twenty-seventh, one thousand eight hundred and seventy-four.

In case of insane legatee next of kin may petition chancellor.

Petition shall be verified by oath of petitioner and affidavit of physician.

What the petition shall set forth.

Chancellor shall appoint guardian.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person or persons residing in this state shall be entitled to receive any legacy or distributive share of any estate not exceeding two hundred dollars, and such person or persons shall have been for at least five years insane, and by reason of insanity not able to receive such legacy or distributive share, and no inquisition of lunacy shall have adjudged such person or persons an idiot or lunatic, it shall be lawful for anyone of the next of kin of such lunatic to present a petition to the chancellor of this state, which petition shall set forth the name or names, residence and age of such person or persons entitled to such legacy or distributive share, the amount of such legacy or distributive share, and the estate from which the same is due, and the length of time next preceding the date of such petition that such person or persons may have been, to the knowledge of the petitioner, a lunatic, and said petition shall be duly verified by the oath of the petitioner, and shall also be accompanied by the affidavit of a regular practicing physician of this state, which last named affidavit shall set forth how long such physician shall have known the alleged lunatic, and how long such person or persons may have been a lunatic; said chancellor shall, upon the reading of said petition and affidavits thereto annexed, appoint the said petitioner or any other fit or proper person, guardian or guardians of such lunatic

or lunatics, without it being necessary to have the idiocy or lunacy determined by an inquest, on a commission to be issued out of the court of chancery, and a certified copy of the proceedings thereof filed and recorded in the office of the surrogate, as is now required by said act; *provided*, said person or persons so appointed shall enter into bond to the ordinary of this state, with two sufficient sureties, in double the amount of the legacy or distributive share to which the said lunatic may be entitled, as set forth in said petition, which bond shall be approved by the said chancellor if the bond be accompanied with an affidavit that the parties therein bound are each freeholders and worth double the amount of the penalty of said bond, which bond shall be filed, with said petition and affidavits, with the clerk of the court of chancery.

Inquest not required.

Certified copy of proceedings shall be recorded in surrogate's office. Proviso.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed and this act shall take effect immediately.

Repealer.

Approved March 22, 1894.

GEORGE T. WERTS,

*Governor.*

JOHN I. HOLT,

*Speaker of the House of Assembly.*

MAURICE A. ROGERS,

*President of the Senate.*

## CHAPTER XVIII.

A Supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and orphans' court and surrogates."

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all the powers and duties conferred upon the orphans' court and heretofore exercised and performed by said court under the act to which this is a supplement, relative to the admission of guardians for persons under the age of twenty-one years, may be exercised and

Surrogate may appoint guardians for minors.

Proviso.

Form of letter  
of guardian-  
ship.

performed by the surrogate of the county in which the minor applying, or in whose behalf application is made for a guardian, may reside or shall have real or personal estate; and any appointment of a guardian heretofore made by the surrogates of any county shall be as valid and effectual and have the same force and effect as though the same had been made by the orphans' court of said county; *provided*, that if there be any dispute with respect to the right to letters of guardianship, the application shall be referred and made to the orphans' court.

2. *And be it enacted*, That letters of guardianship, when the guardian is appointed by the surrogate, shall be in the following form: I, \_\_\_\_\_, surrogate of the county of \_\_\_\_\_, do certify that on the \_\_\_\_\_ day of \_\_\_\_\_, I admitted \_\_\_\_\_, of \_\_\_\_\_, as guardian of the \_\_\_\_\_, of \_\_\_\_\_, being a \_\_\_\_\_. Witness my hand and seal and so forth.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1894.

## CHAPTER XIX.

An Act to repeal an act entitled "An act concerning the election of school trustees and boards of education in cities of the third class," passed March twenty-seventh, one thousand eight hundred and ninety.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning the election of school trustees and boards of education in cities of the third class," passed March twenty-seventh, one thousand eight hundred and ninety, be and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1894.

## CHAPTER XX.

An Act to authorize the issuing of bonds for the purpose of building jails in counties of the fourth-class in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of any county of the fourth-class in this state, by resolution approved by not less than two-thirds of all the members of such board, for the purpose of building jails in any such county, to issue bonds in the corporate name of such county and under the corporate seal of such board, signed by the director and clerk of the board of chosen freeholders, and countersigned by the county collector of such county, to an amount not to exceed one-half of one per centum of the assessed value of the taxable property of such county, exclusive of the surplus revenue indebtedness of such county; *provided*, that nothing in this act shall authorize any county whose indebtedness, exclusive of the surplus revenue indebtedness of such county, exceeds, or would with such issue of bonds exceed, one-half of one per centum of the assessed value of its taxable property, to issue bonds or incur indebtedness for any of the purposes of this act; such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding five per centum per annum, payable half yearly, and shall be redeemable at any time or times not exceeding twenty years from their date, in the discretion of the board of chosen freeholders of any such county; which bonds may be sold, either at public or private sale, for the best price that can be obtained for the same, but shall not be sold for less than their par value; and all real estate and personal property within any such county shall be liable for the payment of the principal and interest that may become due, on the bonds to be issued by virtue of this act.

Chosen freeholders may issue bonds.

County collector shall countersign.

Amount not to exceed one-half of one per cent. of taxables.

Proviso.

Interest not to exceed five per cent.

Bonds shall be redeemed within twenty years.

Shall not be sold for less than par.

2. *And be it enacted*, That that the board of chosen freeholders of any such county shall have power and authority to provide by taxation for the payment of the said bonds

Principal and interest shall be provided for by taxation.

and the interest thereon, and shall, yearly and every year until the said bonds shall be redeemed and paid off, order and caused to be assessed and collected by tax, at the same time and in the same manner that other taxes in any such county are assessed and collected, a sum sufficient to pay the principal and interest on the said bonds as the same shall become due and payable.

Repealed.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1894.

## CHAPTER XXI.

A Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in all its relations to the growth and development of state industries," approved March twenty-seventh, one thousand eight hundred and seventy-eight.

Amount appropriated.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the sum of five thousand dollars be and is hereby appropriated for the current expenses of said bureau.

Treasurer authorized to pay.

2. *And be it enacted*, That the treasurer of this state is hereby authorized to pay from any money not otherwise appropriated the sum provided for in the first section of this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1894.

## CHAPTER XXII.

An Act to authorize courts and justices of the peace of any county to direct prisoners to be confined in the jails of the adjoining counties in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the jail now used as a common jail for the confinement of prisoners in any county of this state has been, or shall hereafter be, condemned by the grand inquest in and for said county, and shall become insecure or inadequate to the needs of such county by reason of repairs, alterations or additions thereto being in progress, or by reason of a new jail for such county being in process of erection or construction, involving the use therein of some portion of the material in the present jail of such county, the jails of the counties adjoining to such county shall be and are hereby also constituted jails for the confinement of prisoners of such counties as contain such condemned, insecure or inadequate jails until such time as secure and adequate jails shall be erected or constructed therein; and the courts of oyer and terminer and general jail delivery, the courts of general quarter sessions of the peace, and the several justices of the peace of such counties as contain such condemned, insecure or inadequate jails may respectively, in their discretion, when they deem it necessary, direct and order the confinement of any prisoner or prisoners under sentence or charged with any criminal offense, or any person or persons held to bail under any civil process, to be confined in the jail of any such adjoining county, and the keepers thereof are hereby required to receive and safely keep all such prisoners in the same manner as they are by law required to keep the prisoners of their respective counties, until he, she or they shall be demanded, under authority of law, by the proper officer or officers of the county from where they were committed, or be otherwise discharged by due course of law; and the keepers of the said jails shall be entitled to demand and

Jails of other counties may be used.

Courts may order prisoners to be confined in such.

Keepers required to receive such prisoners.

Fee shall be  
the same as are  
allowed where  
jail is located.

receive from the board of chosen freeholders of the county from which such prisoners shall be committed such fees as are or shall be allowed by law in such cases, and such compensation for the board and care of such prisoners as the board of chosen freeholders of the county wherein such prisoners are confined shall deem just and reasonable.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1894.

### CHAPTER XXIII.

An Act to repeal an act, entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to regulate fishing with seines in Barnegat bay," passed February seventeenth, one thousand eight hundred and forty-two,' passed April twenty-first, one thousand eight hundred and seventy-six," which amendatory act was approved February twenty-eighth, one thousand eight hundred and ninety-three.

Act repealed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to regulate fishing with seines in Barnegat bay," passed February seventeenth, one thousand eight hundred and forty-two,' passed April twenty-first, one thousand eight hundred and seventy-six," approved February twenty-eighth, one thousand eight hundred and ninety-three, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1894.



## CHAPTER XXIV.

An Act to repeal an act entitled "An act in relation to the appointment of sergeant-at-arms to the several courts of the counties and fixing the salary of the same;" approved March nineteenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act in relation to the appointment of sergeant-at-arms to the several courts of the counties and fixing the salary of the same," approved March nineteenth, one thousand eight hundred and ninety-one, be and the same is hereby repealed. <sup>Act repealed.</sup>

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1894.

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CHAPTER XXV.

An Act to repeal an act entitled "An act concerning cities of the first class in this state, and regulating official searches of municipal records of such cities respecting municipal liens on real estate situate within the same," approved March eighteenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning cities of the first class in this state, and regulating official searches of municipal records of such cities respecting municipal liens on real estate situate within the <sup>Act repealed.</sup>

same," approved March eighteenth, one thousand eight hundred and ninety-one, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 3, 1894.

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## CHAPTER XXVI.

An Act to repeal an act entitled "An act concerning the appointment of municipal officers and boards in cities," passed March eleventh, one thousand eight hundred and ninety-three.

Act repealed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning the appointment of municipal officers and boards in cities," passed March eleventh, one thousand eight hundred and ninety-three, be and the same is hereby repealed, and that the term of office of any officer or member of any municipal board, appointed under the provisions of said act, or confirmed by any board thereunder, shall immediately cease and terminate.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1894.

## CHAPTER XXVII.

## An Act to encourage and promote patriotism.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That in all public schools of the state of New Jersey the last Friday preceding the following holidays, viz.: Washington's birthday, decoration or memorial day, fourth of July and thanksgiving day shall be devoted to the development and promotion of a higher spirit of patriotism by the observing of proper and appropriate exercises. Public schools shall observe certain holidays.

2. And be it enacted, That such exercises shall consist of reading the declaration of independence, singing national and other patriotic songs, of select readings, declamations, essays, addresses and such other exercises of a public, non-sectarian and national character as the principal or teacher of the school may determine, or the school trustees, commissioners or city superintendent may direct. Exercises to be observed.

3. And be it enacted, That the school commissioners of the several counties, the city superintendents, the school trustees and boards of education of all the cities, towns and townships in the State of New Jersey are hereby charged with the duty of enforcing the provisions of this act, and are authorized and directed to cancel and revoke the certificate of license of any principal or teacher who refuses or neglects to provide for and conduct exercises as prescribed in the above section. Officials charged with duty of enforcing provisions of act.

4. And be it enacted, That this act shall take effect immediately. Penalty for neglect.

Approved April 3, 1894.

## CHAPTER XXVIII.

An Act to amend an act entitled "An act respecting the office of treasurer in certain towns, boroughs and townships," approved April fourteenth, one thousand eight hundred and ninety-one.

Section  
amended.

Any legal voter  
may be ap-  
pointed or  
elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of said act be and the same is hereby amended so as to read as follows, to wit:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall not be necessary in any town or borough or township in this state, for the treasurer of such town, borough or township to be chosen from among the members of the council, township committee or other governing body thereof, and it shall be lawful to appoint or elect any legal voter of such town, borough or township to be treasurer thereof.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1894.

## CHAPTER XXIX.

A Supplement to an act entitled "An act concerning promissory notes, bills of exchange, and notaries public" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eight of the act to which this is a supplement, be amended so as to read as follows, viz.:

8. *And be it enacted*, That the governor of this state for the time being may appoint and commission such and so many notaries public as to him shall seem necessary, who shall hold their respective offices for the term of five years, but shall be removed from office at the pleasure of the governor.

2. *And be it enacted*, That the power of appointment hereby given the governor shall not be limited to the appointment of persons of the male sex, but such appointments may be of persons of either sex; and all words in said act, or any supplement thereto, referring to said notaries public as of the masculine gender, shall be understood to include, and shall be applied to females as well as males.

3. *And be it enacted*, That every person applying for the appointment of notary public shall inclose with his or her application the sum of five dollars, which sum, if a commission shall be granted, shall be paid over by the governor to the treasurer, and if such commission shall not be granted, then the same shall be returned to the person making such application.

4. *And be it enacted*, That the term of office of every notary public appointed before the passage of this act shall expire July fourth, one thousand nine hundred.

5. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 4, 1894.

## CHAPTER XXX.

A Supplement to an act entitled " An act relating to the consolidation of corporations organized as gas light companies, electric light companies, and electric light, heat and power companies in cities of the second class in this state, which heretofore have been incorporated under general or special laws of this state," approved April seventh, one thousand eight hundred and ninety-two.

Preamble.

WHEREAS, Certain corporations incorporated under any general or special laws of this state for manufacturing and dealing in appliances and apparatus necessarily used in connection with electric light, heat and power, may have consolidated and merged their corporate rights, franchises, powers and privileges into a single corporation, and it may afterwards have been found that the certificate or certificates of organization of one or a part of such corporations so consolidated was recorded and filed subsequent to the passage of the act to which this is a supplement, and there might be an inadvertence in the application of the said act to which this is a supplement ; therefore, in order that the invested property rights and franchises of the stockholders may not have been nor be imperiled thereby,

Applies to all corporations whose principal office is in cities mentioned at time of consolidation &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions for consolidation of the act to which this is a supplement shall apply to the consolidation of all corporations incorporated under the laws of this state, and whose principal office or offices in this state were, at the time of such consolidation, located in cities of the second class, as mentioned in the act to which this is a supplement, for manufacturing, generating, storing, dealing in, furnishing and supplying of electricity for light, heat and power, and also carrying on of

any and all business in connection therewith, and concerning the manufacturing, selling and dealing in appliances and apparatus where electricity is used for light, heat or power, that may at the time of the passage of this supplementary act have consolidated and merged their corporate rights, franchises and privileges into one corporation by the affirmative votes of stockholders representing at least two-thirds of the capital stock in each of said corporations.

2. *And be it enacted*, That this shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 4, 1894.

## CHAPTER XXXI.

A Supplement to an act entitled "An act to prescribe the notice to be given of applications to the legislature for laws when notice is required by the constitution," approved January twenty-sixth, anno domini one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the passage of any bill providing for the annexation or consolidation of any town or township, or of any portion of the same, to and with any city or other municipality within this state, the notice required by the first section of the act to which this is a supplement shall be published in a daily newspaper published in the city or other municipality with which such town or township is proposed to be annexed or consolidated, for at least five days prior to the introduction of such bill.

Notice of shall  
be published in  
daily newspa-  
per.

2. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 4, 1894.

## CHAPTER XXXII.

A Further Supplement to an act entitled "An act respecting conveyances" [Revision], approved March seventeenth, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any deed of conveyance, declaration of trust, marriage settlement, or other instrument in writing affecting or concerning the title to lands, shall have been recorded for more than twenty years in the public records of any state of the United States, or of any county thereof, and any person shall desire to have the same recorded in this state, for the purpose of making title to any lands or real estate in this state, or of manifesting such title, it shall be lawful for the clerk of the court of common pleas in any county of this state, or for the register of deeds and mortgages in counties having such register, upon an exemplified copy of the record of such deed of conveyance, declaration of trust, marriage settlement, or other instrument in writing, and of the acknowledgment or proof thereof, being filed in the office of such clerk or register, exemplified and attested as a true copy in the manner required by the laws of the state in which the same shall have been theretofore recorded, thereupon to record the said copy, together with the exemplification thereof, in the records of deeds of conveyance in the office of such clerk or register, and the record thereof shall have the same effect, and a certified copy thereof shall be admitted and received in evidence in the same manner as if the original deed of conveyance, declaration of trust, marriage settlement or other instrument in writing had been recorded instead of such exemplified copy; *provided, however*, that nothing herein contained shall impair the rights of any person or persons acquired in good faith before the recording of such deed of conveyance, declaration of trust, marriage settlement, or other instrument in writing, in this state as aforesaid.

Exemplified  
copy of may be  
recorded.

Shall be re-  
ceived in evi-  
dence same as  
an original  
record.

Proviso.

2. *And be it enacted*, That the acknowledgment or proof



of any such deed of conveyance, declaration of trust, marriage settlement, or other instrument in writing, having been recorded in any other state, or in any county thereof, for more than twenty years, shall, notwithstanding any errors or imperfections in said acknowledgment or proof, and notwithstanding the same may not conform in all respects with the requirements of the laws of this state, be taken and held to be good and sufficient in law.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1894.

## CHAPTER XXXIII.

An Act to repeal an act entitled "An act to provide for the use of the proceeds of riparian sales, grants and leases," approved March nineteenth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act to provide for the use of the proceeds of riparian sales, grants and leases," approved on the nineteenth day of March, one thousand eight hundred and ninety, be and the same hereby is repealed. Act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1894.

## CHAPTER XXXIV.

An Act to amend an act entitled "An act providing for the purchase and display of the United States flags in connection with the public school buildings of the state," approved May fifth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act providing for the purchase and display of United States flags in connection with the public school-buildings of the state," approved May fifth, one thousand eight hundred and ninety, be amended so as to read as follows :

Boards of education or school trustees shall purchase flag and display it.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education or the board of school trustees in the several cities, towns, townships, boroughs, villages and school districts of this state shall purchase a United States flag, flag staff and necessary appliances therefor, and shall display said flag upon or near the public school building during school hours, and at such other times as to the said boards may seem proper ; and that the necessary funds to defray the expenses to be incurred herein shall be assessed and collected in the same manner as moneys for public school purposes are now raised by law.

Repealer.

2. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent with the same are hereby repealed.

Approved April 4, 1894.

## CHAPTER XXXV.

An Act to repeal an act entitled "A further supplement to an act entitled 'An act relative to sales of lands under a public statute, or by virtue of any judicial proceedings' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which further supplement was approved April seventeenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That chapter two hundred and sixty-six of the laws of one thousand eight hundred and ninety-one, entitled "A further supplement to an act entitled 'An act relative to sales of lands under a public statute, or by virtue of any judicial proceedings' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which further supplement was approved April seventeenth, one thousand eight hundred and ninety-one, be and the same is hereby repealed. <sup>Act repealed.</sup>

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 4, 1894.

## CHAPTER XXXVI.

A Further Supplement to an act entitled "An act for the preservation of sheep [Revision], approved April fourteenth, one thousand eight hundred and forty-six.

- 1. BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That every person who shall own, keep or harbor any dogs, bitch or bitches shall have the same registered and numbered with the clerk of the township, borough or city in which the owner or person harboring the same shall reside, and shall place upon the neck of each dog or bitch kept or harbored a collar, having engraved thereon, upon a metal surface, the name of the owner of said dog or bitch and the registered number thereof; and it shall be lawful for any person to kill any dog or bitch found straying off the owner's premises without such collar upon its neck.

**Dogs shall be registered.**

**Lawful to kill stray dogs.**
- 2. And be it enacted**, That it shall be the duty of each township, borough or city in this state to provide a book for the purpose of registering the owner's name of every dog or bitch and the number, numbering them in the order of the owners applying for said registration, and giving to each person information of the registered number thereof; the person applying for registration shall pay the sum of one dollar for each dog or bitch thus registered, of which the clerk shall receive twelve cents for each registration, the balance to be applied to paying damage done by dogs to domestic animals or poultry, after the same shall have been appraised by two freeholders, as authorized and directed by the act to which this is a supplement and the supplements to said act, and in case there is no damage, such balance to become a part of the general fund of such township, borough or city, as the case may be.

**Municipalities shall provide registry books.**

**Registry fee.**

**Damages by dogs shall be paid on approval**
- 3. And be it enacted**, That in case the clerk of any township, borough or city shall neglect or refuse to so register any dog or bitch when application shall be made to him for that purpose, he shall forfeit and pay the sum of ten dollars for each refusal, which shall be paid to the treasurer

**Penalty for clerk's neglect or refusal to register.**

of the township, city or borough, and be applied to the general fund of such township city or borough as the case may be.

4. *And be it enacted*, That the common council of any incorporated city or town or the township committee of any township in this state are hereby authorized and empowered and whose duty it shall be to appoint one or more persons in their respective cities, towns or townships with full power and authority to kill any dog, male or female, found straying off the owner's premises without such collar as above provided for upon its neck. Municipal authorities shall appoint dog killers.

5. *And be it enacted*, That the common council of any incorporated city or town and the township committee of any township are hereby authorized to fix the compensation to be paid to any person or persons appointed as above provided for, and to pay the same out of any moneys in the treasury of such city, town or township. And shall fix compensation therefor.

6. *And be it enacted*, That the provisions of this act shall not apply to or affect cities of the first and second class in this state. Shall not apply to first and second class cities.

7. *And be it enacted*, That none of the provisions of this act shall be construed to repeal the provisions of any law now in existence providing for the taxing of dogs. Shall not repeal dog tax.

8. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved April 4, 1894.

## CHAPTER XXXVII.

An Act to amend an act entitled "An act to enable townships to create and maintain a sinking fund," approved April twentieth, one thousand eight hundred and eighty-five.

Section amended.

1. BE IT ENACTED, by the Senate and General Assembly of the State of New Jersey, That the second section of an act entitled "An act to enable townships to create and maintain a sinking fund," approved April twentieth, one thousand eight hundred and eighty-five, be and the same is hereby amended so as to read as follows:

How commissioners shall be appointed.

2. *And be it enacted*, That after the passage of said ordinance or resolution, the chairman of the township committee, the treasurer of the township, and assessor of the township (for the time being), and two resident freeholders to be chosen by the township committee, shall constitute and be denominated "the commissioners of the sinking fund of the township of \_\_\_\_\_" (as the case may be); the two last-named members shall hold office for three years, and if either of such members should die or resign, the vacancy caused thereby shall be filled by the township committee; each of the said five commissioners shall, within ten days after his appointment, take and subscribe the oath of office prescribed by law for officers of said township.

Tenure of office.

Commissioners shall take and subscribe oath.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1894.

## CHAPTER XXXVIII.

An Act to provide for the payment of the cost of sewers heretofore constructed without authority of law in boroughs and borough commissions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, within the limits of any borough or borough commission of this state, there has heretofore been constructed under any contract entered into with the common council or other governing body of such borough or borough commission, a sewer, which has in fact been accepted by such common council or other governing body and for the construction of which there existed, at the time of entering into such contract, no statute or law authorizing said common council or other governing body to make such contract or to pay the cost of the construction of such sewer out of the general funds of such borough or borough commission, it shall be lawful for the common council or other governing body of such borough or borough commission within the limits of which such sewer may have been constructed, and they are hereby required, to pay the contract price for such construction together with interest at six per centum per annum upon such contract price from the date when it became due, to the person who constructed such sewer, his executors, administrators or assigns.

When sewer constructed without authority of law has been accepted,

Governing body shall pay contract price and interest.

2. *And be it enacted*, That in order to raise the moneys necessary to make such payment as aforesaid it shall be lawful for said common council or other governing body of such borough or borough commission, to issue the bonds of such borough or borough commission, to run for a period of not more than ten years, of such denomination as the said common council or other governing body may deem proper, and bearing interest at a rate not exceeding six per centum per annum and payable at such place as the said common council or other governing body may determine; which bonds may be negotiable and sold for any sum not less than par, and the proceeds thereof used to make payment for the cost of

May issue bonds.

Bonds not to be sold for less than par.

constructing such sewer and interest as aforesaid and for no other purpose.

Benefits may be assessed.

Notice of application for appointment of commissioners of assessment shall be published.

Commissioners shall be resident freeholders.

Court may remove commissioners and appoint others and fill vacancies.

Commissioners shall take and subscribe oath.

Shall give notice of time and place for hearing parties interested.

Have power to administer oath to witnesses.

May enter and view premises.

3. *And be it enacted*, That if, in the judgment of the said common council or other governing body, the construction of such sewer is likely to benefit or increase the value of any lands and real estate in the vicinity thereof, or has benefited or increased the value thereof, the said common council or other governing body shall apply to the circuit court of the county wherein such borough or borough commission is situate, for the appointment of three commissioners to estimate and assess such benefits, of the time and place of which application notice shall be given by ten days' publication in two newspapers printed or circulating in such borough or borough commission, at which time and place, or at such other time and place as the court shall designate, said court shall, without unnecessary delay, appoint three disinterested commissioners, who shall be freeholders and residents of the county but not residents of the borough or borough commission making the application, to estimate and assess the said benefits; the said court shall have power to remove any commissioner and appoint another in his place and also to fill any vacancy that may occur in the office of any commissioner from any cause.

4. *And be it enacted*, That the said commissioners, before entering upon the execution of the duties required of them by this act, shall take and subscribe, before some person duly authorized to administer the same, an oath or affirmation that they will make all estimates and assessments required of them fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make.

5. *And be it enacted*, That the said commissioners, having thus qualified, shall give notice, under the direction of the said court, of the time and place when and where they will hear any person in interest who may present themselves to be heard, and at such time and place and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend and shall give a public hearing to those persons in interest who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view any premises that they



deem necessary, and to adjourn from time to time at their discretion, or as directed by said court; they shall use diligent efforts to ascertain the names of the owners of the lands and real estate benefited by the construction of such sewer as aforesaid, and shall state the same in the report hereinafter mentioned; but the failure to so ascertain the name of any such owner or to state the same correctly, or the omission of any such name from the said report, shall not be deemed to invalidate the said assessment nor to be a bar to the collection of the same.

Shall ascertain names of owners of real estate benefited. Failure to ascertain shall not invalidate assessment.

6. *And be it enacted*, That after having given opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the premises likely, in their judgment, to be benefited by the construction of such sewer, the said commissioners shall make a report in writing of their estimates and assessments to the said court, accompanied by a survey and map, prepared by a practical surveyor or engineer, under their direction, showing the lots or parcels of land and real estate peculiarly benefited by such sewer; the said report shall state the cost of the whole work, the portion, if any, assessed upon the borough or borough commission at large, and shall give the names, so far as ascertained, of the owners of the said lots or parcels of land and real estate, and the amount of the assessment to each owner for each of such lots or parcels of land and real estate for the said benefits, which assessment shall in each case be in proportion, as near as may be, to the advantage which each of such owners shall be deemed to have acquired by the construction of such sewer; in case the costs and expenses of such work shall exceed the amount of said benefits, the excess thereof shall be paid by the borough or borough commission at large and raised by general tax; in no case shall any property or owner thereof be assessed beyond the amount of benefit actually derived from the construction of such sewer.

Shall report estimates and assessments to court and furnish survey and map.

Shall state cost of work &c.

Shall give names of lot owners and amount of assessment to each.

Assessment shall be in proportion to benefit.

Excess shall be paid by general tax.

No property shall be assessed beyond actual benefit.

7. *And be it enacted*, That upon the coming in of any such report, signed by the said commissioners, or any two of them, said court shall cause such notice to be given as it shall deem proper of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same the said court, either by rule or order, shall confirm the said report, or shall refer the same to the same commissioners for

Court shall give notice of hearing of objections.

Shall confirm report or refer it for revision.

Commissioners shall revise report and return report without delay.

Court shall confirm or again refer.

Confirmed report shall be final.

Certified copy of report and map, &c., shall be transmitted to borough clerk who shall deliver to collector.

No certiorari shall be allowed after ninety days.

Court shall designate notice, if any, to be given.

Assessments shall be first lien.

Assessments shall bear interest after six months.  
Proviso.

revision and correction, or to new commissioners to be appointed by the said court forthwith, to reconsider the subject matter thereof, and the said commissioners to whom such report shall be so referred by the court shall return the same corrected and revised, or a new report to be made by them in the premises, to the said court without unnecessary delay, and the same, being so returned, shall be confirmed or again referred by the said court in the manner aforesaid, as right and justice shall require, and so, from time to time, until a report shall be made or returned in the premises which the said court shall confirm; such report, when so confirmed, shall be final and conclusive as well upon the said borough or borough commission as upon the owners of the lands and real estate affected thereby; the said court shall thereupon cause a certified copy of such report and the accompanying map to be transmitted to the clerk of said borough or borough commission, with a certified copy of the rule or order of said court confirming the same, which shall be forthwith delivered by the said clerk to the officer of such borough or borough commission charged with the duty of collecting assessments for improvements.

8. *And be it enacted*, That no certiorari shall be allowed in any court to review any of the proceedings in relation to such improvement, nor to in any way affect any assessment made by such commissioners after the lapse of thirty days from the making of the order of the court confirming such assessment; the court shall designate what notice, if any, shall be given, by publication or otherwise, of the confirmation of the report of said commissioners.

9. *And be it enacted*, That all assessments made under the provisions of this act shall be and remain a first lien upon all the lands and real estate affected thereby from the time of the confirmation of the report by the court as aforesaid, notwithstanding any error or omission in stating the name or names of the owner or owners of any lot or parcel of such land or real estate, in the same manner and to the same extent that taxes are liens upon lots or tracts of land in such borough or borough commission, which assessments shall bear interest at the rate of six per centum per annum, and shall become due and payable within six months from the date of such confirmation; *provided, however*, that the owner of any lot or parcel of land so assessed may pay the amount of the assessment imposed upon such lot or parcel of land,

if he so elect, in ten equal yearly payments with interest thereon from the date of the confirmation of the report, at the rate of six per centum per annum, the first payment to become due in six months from the confirmation of said report and the remaining nine payments becoming due at successive periods of one year after the first payment; *provided, further*, that if any partial payment shall not be paid when due, then the whole amount of such assessment, with all arrearages of interest, shall forthwith become due and payable; *provided, further*, that if the owner or owners of any lot of land in said borough or borough commission shall have heretofore paid any sum of money for or on account of any assessment which may have been imposed upon said lot of land for the construction of said sewer, the said payment so made shall be applied to or credited on account of any assessment which may be made against the said lot of land under the provisions of this act, and any surplus of said money which shall remain after making said appropriation or credit as aforesaid shall be repaid to the said owner or owners who shall have paid the same, or to his, her or their heirs, executors, administrators or assigns, as the case may be.

Proviso.

Proviso.

10. *And be it enacted*, That the said assessments and all arrearages of interest shall be collected by the sale of the lands upon which the said assessments are imposed, in the same manner that lands now are or may hereafter be sold in such borough or borough commission for the collection of delinquent taxes, under the laws applicable to such borough or borough commission.

Assessments may be collected by sale of lands.

11. *And be it enacted*, That the provisions of this act shall be applicable to and binding upon any borough or borough commission now in existence whose form of local government may have been altered or modified since the making of any contract under which any sewer may have been constructed and accepted, whether such construction and acceptance were under the supervision of the common council or other governing body existing under the present or the preceding form of local government.

Act applicable to any borough now in existence.

12. *And be it enacted*, That each commissioner performing services under this act shall be entitled to receive from the borough or borough commission five dollars for each day he shall be actually engaged in the performance of the duties required of him.

Compensation of Commissioners.

13. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1894.

## CHAPTER XXXIX.

An Act to provide for the compensation of certain officers of the legislature.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That as compensation for the legislative session for which the following named officers are elected or appointed there shall be paid to the two assistant engrossing clerks of the house of assembly each the sum of six hundred dollars ; to each assistant doorkeeper of the senate, the sum of three hundred and fifty dollars each, and to such one of the assistant sergeants-at arms of the house of assembly whose salary is not provided by law, the sum of five hundred dollars ; to the assistant bill clerk of the senate the sum of five hundred dollars ; to each of the two assistant bill clerks of the house of assembly, the sum of five hundred dollars ; to the assistant private secretary of the speaker of the house of assembly, the sum of four hundred dollars ; to the postmaster of the house of assembly, five hundred dollars ; to the officer known as assistant to the clerk of the house of assembly, four hundred dollars ; to the clerks of the following committees of the house of assembly, viz : judiciary, corporations, railroads and canals, municipal corporations, and revision of laws, the sum of three hundred dollars each.

Engrossing  
clerks.  
Assistant door-  
keepers.

Assistant ser-  
geants-at-  
arms.

Assistant bill  
clerks.

Assistant pri-  
vate secretary  
of Speaker.  
Postmaster of  
Assembly.  
Assistant clerk  
of Assembly.

Clerks of com-  
mittees.

2. *And be it enacted*, That this act shall take effect immediately and shall apply to the present session of the legislature only.

Approved April 4, 1894.

## CHAPTER XL.

An Act to provide for the erection of a flag-staff upon the state house of New Jersey, and for the purchase of a suitable flag for the same, and regulating the use of same.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That with as little delay as possible there shall be erected upon the dome of the building known and designated as the state house a flag staff of suitable height and proportions, and that a flag commensurate in size for the use contemplated shall be purchased by the state of New Jersey. Flag and flag staff shall be provided.

2. *And be it enacted*, That said flag shall be hoisted and displayed during the hours when the senate or house of assembly is in session, and on such days as the governor of the state is present at the state house for the transaction of business appertaining to the commonwealth in the discharge of his official duty. Flag shall be hoisted during hours of session.

3. *And be it enacted*, That it shall also be the duty of the custodian of the state house, or such person as shall be delegated to exercise a supervisory care over such building, to display said flag during the hours intervening between sunrise and sunset upon all national holidays. Custodian of State House shall display flag.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1894.

## CHAPTER XLI.

An Act to authorize a new publication of the public acts of the legislature of this state, and a subscription therefor on the part of this state.

State Treasurer directed to subscribe for one thousand sets of

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be and he is hereby authorized and directed to subscribe for one thousand sets of the public acts of the legislature of this state, to be compiled and edited by Garrett D. W. Vroom and William M. Lanning, which work shall contain all the public acts of the legislature of this state now contained in the "Revision of the statutes of New Jersey," published in the year one thousand eight hundred and seventy-seven, and in the supplement to said "Revision," published in the year one thousand eight hundred and eighty-seven, and the session laws passed, or that shall be passed, by the legislature of this state, between the first day of January, one thousand eight hundred and eighty-seven, and the close of the legislative session of the year one thousand eight hundred and ninety-four, which are general and permanent in their nature, and which shall be in force at the end of the present legislative session, together with abstracts from the public decisions of the courts of this state expounding or construing the same.

Work shall consist of three volumes with complete indices.

2. *And be it enacted*, That the said work shall consist of three volumes, as nearly equal in size as may be practicable, and shall be furnished with a full and complete general index of its contents, and with a list, alphabetically arranged, of the cases cited in the abstracts of public decisions, and also a list, alphabetically arranged, of legislative acts passed since one thousand eight hundred and seventy-five, not published in said work on account of their not being general and permanent in their nature or not being in force at the end of the present legislative session; the said work shall correspond, in arrangement of statutes and mechanical execution, to the said revision published in the year one thousand eight hundred and seventy-seven.

3. *And be it enacted*, That upon delivery to the said state treasurer of one thousand sets of said work well bound in

good law sheep, the comptroller shall draw his warrant upon the state treasurer, in favor of the publisher thereof, for the sum of six dollars for each volume delivered, but no payment therefor shall be made until the work shall have been completed and one thousand sets delivered.

Treasurer authorized to pay for same when delivered.

4. *And be it enacted*, That the said state treasurer deliver to the governor, the secretary of state, the comptroller, the state treasurer, clerks of the supreme court and court of chancery, the chancellor, justices of the supreme court, the attorney general, the clerk, surrogate and board of chosen freeholders of the respective counties of this state, the judges of the several courts of common pleas, the clerks of the respective counties, and to the members and clerks of the present legislature, each one set of said work.

Treasurer shall distribute the same.

5. *And be it enacted*, That the publication of the work aforesaid is hereby authorized by this legislature; that said work shall be entitled "General Statutes of New Jersey," and shall declare on its title pages that the statute laws of this state therein contained are published under the authority of the legislature.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1894.

## CHAPTER XLII.

An Act to repeal an act entitled "An act providing for superintendents of the police and fire departments in cities of the first class," approved March thirtieth, one thousand eight hundred and ninety-one, and to end the term of office of superintendents appointed thereunder.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act providing for superintendents of the police and fire departments in cities of the first-class," approved March thirtieth, one thousand eight hundred and ninety-one, be and the same is hereby repealed, and the term of office of any person or

Act repealed.

persons appointed under said act be and the same is ended forthwith.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 10, 1894.

### CHAPTER XLIII.

A Supplement to an act entitled "An act for the preservation of clams and oysters" [Revision], approved April fourteenth, one thousand eight hundred and forty-six.

Unlawful to dredge for clams in Delaware Bay south of line.

Penalty.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be unlawful to dredge for clams in the waters of Delaware bay south of a line running direct from the mouth of Dennis creek to Brandywine lighthouse ; and any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two hundred dollars or by imprisonment at hard labor for a period not exceeding one year, or both, at the discretion of the court, and any boat or vessel employed in the commission of any offence against the provisions of this act, with all her tackle, apparel and furniture shall be forfeited and the same seized, secured and disposed of in the manner prescribed in the ninth and tenth sections of the act entitled "An act for the preservation of clams and oysters" [Revision], approved April fourteenth, one thousand eight hundred and forty-six.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 11, 1894.



## CHAPTER XLIV.

A Supplement to an act entitled "An act to regulate the practice of dentistry in the state of New Jersey," approved April seventh, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of the act to which this is a supplement be and the same is hereby amended so as to read as follows :

9. *And be it enacted*, That any person, not now lawfully practicing or entitled to practice dentistry by the laws of this state, who shall practice dentistry in this state after the passage of this act without having first obtained from said board of registration and examination in dentistry a certificate of license to practice in accordance with the provisions of this act, shall forfeit and pay the sum of three hundred dollars for each and every offence ; any person now lawfully practicing or entitled to practice dentistry under the laws of this state who shall, after the first day of January, anno domini one thousand eight hundred and ninety-one, practice dentistry in this state without having first obtained from said board of registration and examination in dentistry a certificate of registration, in accordance with the provisions of this act, shall forfeit and pay the sum of fifty dollars for each and every offense ; any person who shall knowingly or falsely, and with the intent to deceive the public claim or pretend to have or hold a certificate of registration or of license granted by said board, or who shall falsely, and with the intent to deceive said board, claim or pretend to be a graduate or the holder of a diploma of graduation from any dental college, not being such graduate or rightfully holding or entitled to such diploma, shall forfeit and pay the sum of three hundred dollars ; any person to whom a certificate of registration or of license shall be issued under the provisions of this act, and who shall practice dentistry under a false name, with intent to deceive the public,

New practitioners must obtain certificate of license.

Penalty for non-compliance.

Old practitioners must register.

Penalty for non-compliance.

Penalty for pretenders.

Penalty for practicing under false name.

Certificate under one name shall not be a defense under another name.

Each act to be regarded as a separate offence.

shall be liable to have such certificate revoked, upon twenty days notice of such proposed revocation, and of the time and place of considering such revocation, by order of the said board; and any person who, after such revocation of his certificate, shall continue to practice dentistry in this state, shall forfeit and pay the sum of three hundred dollars; a certificate of registration or of license granted to a person under one name shall not be pleaded as a defence to an action brought against him for practicing without a certificate under another name; each and every separate act of dentistry performed by any person, in violation of any of the provisions of this act, shall be deemed and taken to be a distinct and separate offence.

Approved April 11, 1894.

#### CHAPTER XLV.

An Act to repeal an act entitled "An act concerning bills that have been or may be presented to the governor, and that have become or may become laws without his signature," passed March twenty-first, one thousand eight hundred and ninety-four.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning bills that have been or may be presented to the governor, and that have become or may become laws without his signature," which law was passed March twenty-first, one thousand eight hundred and ninety-four, be and the same is hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 11, 1894.

## CHAPTER XLVI.

Supplement to an act entitled "An act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds," approved February eighteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where bonds have been or shall be issued by any board of aldermen or common council or township committee or board of finance and taxation of any city, town or township, in pursuance of the act to which this is a supplement, it shall be lawful for the boards, officers or commissioners that now possess or hereafter may possess authority to levy and collect taxes for any purpose whatever in such city, town or township, when thereunto requested by such board of aldermen, common council, township committee or board of finance and taxation, to annually levy and collect a tax for the payment of the interest and principal when due of any such bonds at the same time and in the same manner that taxes are or may be lawfully levied and collected in such city, town or township for any other purpose or purposes, and the tax so levied and collected shall be appropriated and used for the payment of the interest and principal when due upon such bonds, and for no other purpose whatsoever. Tax may be levied to pay interest and principal, and used for no other purpose.

2. *And be it enacted*, That the excess of any tax or taxes heretofore levied in any such city, town or township for any purpose whatsoever, not required for the specific purpose or purposes for which the same was levied, shall be and the same is hereby set apart and appropriated to the payment of the interest and principal, when due, of any such bonds; and any tax so levied, which does not exceed the percentage allowed by law to be levied for taxes in any such city, town or township, is hereby ratified and confirmed, notwithstanding any irregularity or supposed irregularity in the levy or assessment of the same; *provided, only*, All surplus taxes shall be set apart for that purpose. Proviso.

that at the time of such levy there was authority in such city, town or township to levy such tax, and that the property upon which the same was levied was liable thereto.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed and this act shall take effect immediately.

Approved April 11, 1894.

## CHAPTER XLVII.

A Further Supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Assignees shall publish notice of assignment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act to which this act is a supplement, be and the same is hereby amended so as to read as follows :

Claims must be presented within three months thereafter.

3. *And be it enacted*, That the said assignee or assignees shall forthwith give public notice by advertising at least once a week for four weeks successively in one of the newspapers printed in this state, circulating in the neighborhood where such creditors reside, making known thereby that such assignment has been made, and when made, and that all claims of creditors against said estate must be presented under oath or affirmation to the said assignee or assignees within three months from the date of said assignment or be forever barred from coming in for a division of said estate otherwise than hereinafter provided ; and the said assignee or assignees shall also, within thirty days after the recording of said deed of assignment, mail a copy of said notice, with postage prepaid, to every known creditor of said assignor or assignors, addressed to such creditor at his usual post-office address ; and the said assignee or assignees shall forthwith exhibit to the surrogate of the county wherein

Copy of notice shall be mailed to each creditor.

such debtor or debtors reside, under oath or affirmation, a true inventory and valuation of said estate, so far as has come to his or their knowledge, and then and there enter into bond to the ordinary of this state, in double the amount of the inventory and valuation, with sufficient security, for the faithful performance of said trust, which bond, inventory and valuation, being first filed in the surrogates' office, the said assignee or assignees may then proceed to sell said estate, and perform every other duty necessary to carry into effect the intention of said assignment, so far as respects the collection of debts, and the sale of real or personal estate.

Inventory and valuation shall be made.

Assignees shall give bond.

Inventory and valuation shall be filed in Surrogate's office.

2. *And be it enacted*, That section five of the act to which this act is a supplement, be and the same is hereby amended so as to read as follows :

5. *And be it enacted*, That at the expiration of three months from the date of said assignment the said assignee or assignees shall file with the surrogate of the county wherein such debtor or debtors reside at the time of making such assignment, a true list, under oath or affirmation, of all such creditors of said debtors as shall have proved their claims as such before him, with a true statement of their respective claims and due proof of the publication of said assignment and the mailing of notice thereof as hereinbefore prescribed, which proof shall give in detail the names of the persons to whom, with the respective addresses to which, and time when such notices were mailed, and such other facts as show a full compliance with this law, and in case of failure to file said list, or give such notice, or mail the same, or to file proofs of the publication and mailing of said notice, the orphans' court of said county may extend and fix the time for that purpose.

List of creditors who have proved claims with statements thereof, etc., shall be filed with Surrogate.

Upon failure to file lists, &c., court may extend time.

Approved April 12, 1894.

## CHAPTER XLVIII

An Act entitled "An act to prohibit the carrying of unlawful messages by telegraph, express companies and other common carriers."

Messages to promote or to enable persons to carry on unlawful business prohibited.

Penalty.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any telegraph company, telephone company, express company, or any corporation or individuals engaged in the business of common carriers, shall by this act be prohibited from knowingly carrying any message or messages that shall further or promote the interest of unlawful pursuits or in any way enable any person or persons to carry on any business or practice declared illegal by the statutes of New Jersey.

2 *And be it enacted*, That any corporation, person or persons carrying such messages shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of one thousand dollars.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 12, 1894.

## CHAPTER XLIX.

## An Act concerning trespassing on private lands.

1. BE IT KNACTED *by the Senate and General Assembly of the State of New Jersey*, That any person trespassing on any lands for the purpose of taking fish from any private pond, stream or spring after public notice on the part of the owner, lessee or occupant thereof, such notice being posted adjacent to such pond, stream or spring, shall be guilty of trespass and, in addition to damages recoverable by law, shall be liable to the owner, lessee or occupant in a penalty of one hundred dollars for every such offense, to be recovered in any court of competent jurisdiction.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 12, 1894.

## CHAPTER L.

A Further Supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "A further supplement to the act entitled 'An act concerning taxes,' approved April fourteenth, one thousand eight hundred and forty-six," which said supplement was approved April twenty-third, one thousand eight hundred and eighty-eight, be and the same are hereby extended to the incorporated villages of this state; and all persons enrolled as active members of any fire-engine, hook and ladder, hose or supply company, under supervision or control of the municipal authority or authorities of any such village, all exempt firemen of any such village, and such members of any salvage corps, under supervision or control of any duly

authorized board of underwriters of this state, and such members of any duly-organized fire patrol, so shall have been enlisted among the active or exempt firemen of any such village, shall be entitled to the same exemptions from general and special poll tax and from taxation on real or personal property, or both, as by said further supplement above referred to are conferred upon the members of similar organizations under the control of the cities, towns, boroughs, townships and fire districts of the state; and such exemptions shall be allowed in the same manner and upon a like certificate or certificates from the clerk of such village as is provided by said supplement in respect to persons claiming such exemption by reason of their service under the municipal authorities of cities, towns, boroughs, townships and fire districts.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved April 12, 1894.

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## CHAPTER LI.

A Supplement to an act entitled "An act to incorporate societies for the promotion of learning" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

Incorporated  
institutions of  
learning may  
change corpo-  
rate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any association, seminary, college or other institution of learning now or hereafter organized under and by virtue of the act to which this is a supplement, or any other act now in force in this state, whether created by special charter or otherwise, to change its corporate name by a two-thirds vote of the board of trustees or managers of such association, seminary, college or other institution of learning who shall be present at a regular or special meeting of the same, called for that purpose; *provided*, that said corporation cause to

Proviso.



be made and filed a certificate in writing, in manner hereinafter mentioned ; such certificate shall set forth, first, the name of said association, seminary, college or other institution of learning in use immediately preceding said vote and making and filing of said certificate ; second, the new name assumed to designate such corporation and to be used in its business and dealings in the place and stead of that referred to in the last preceding paragraph, and which said certificate shall be signed by said board of trustees or managers, or a majority thereof, and filed and recorded in the office of the clerk of the county where the principal office or place of business of such corporation in this state shall be established ; and after being so recorded shall be filed in the office of the secretary of state, without fee or costs ; and to which said certificate shall be affixed the official seal of said board of trustees or managers, and the affidavit of the secretary or acting secretary of said board, that the said certificate is made by the authority of the board of trustees or managers of such corporation, as expressed by a two-thirds vote of the members present at a regular or special meeting of said board called for that purpose.

Certificate shall set forth name &c., and be filed and recorded in county clerk's office.

And also secretary of state's office.

Shall be verified by official seal and affidavit.

2. *And be it enacted*, That no change in the name of any corporation, under the provisions of this act, shall be deemed effected until the said certificate, made and recorded as aforesaid, shall be actually filed in the office of the secretary of state, as herein directed ; but no such change shall in any manner lessen or impair any liability of such corporation incurred or existing at the time such change of name shall be made, which liability shall continue and be capable of being enforced against such corporation by its name as so changed, or by its original name ; and no suit pending at the time of such change of name shall abate by reason thereof, but the same may be prosecuted to judgment and execution in the original name of such corporation, and under such execution the property of said corporation, whether held by its original or amended name, may be levied on and sold to satisfy such judgment.

No change of name shall be effectual until conditions are complied with.

Existing liabilities not to be impaired.

No pending suit shall abate.

Executions in either name to be valid.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved April 12, 1894.

## CHAPTER LII.

An Act to repeal an act entitled "An act to appoint a commissioner of mines and defining the powers and duties of such commissioner," approved February twenty-fifth, one thousand eight hundred and ninety-two, and to end the term of office of any person or persons appointed thereunder.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act to appoint a commissioner of mines and defining the powers and duties of such commissioner," approved February twenty-fifth, one thousand eight hundred and ninety-two, be and the same is hereby repealed, and the term of office of any person or persons appointed under said act be and the same is hereby ended forthwith.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 18, 1894.

## CHAPTER LIII.

An Act to repeal an act entitled "A supplement to an act entitled 'An act constituting district courts in certain cities of this state' [Revision], approved March ninth, one thousand eight hundred and seventy-seven," which supplemental act was passed March eighth, one thousand eight hundred and ninety-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the act entitled "An act constituting district courts in certain cities of this state," approved March ninth, one thousand eight hundred and seventy-seven, which supplement was passed March eighth, one thousand eight hundred and ninety-two, be and the same is hereby repealed, and any district court heretofore established under the provisions of said supplement and now existing in any city of this state having less than twenty thousand inhabitants according to the last census, is hereby abolished. Supplement repealed.

2. *And be it enacted*, That within thirty days after this act shall take effect, the judge of any district court in any city in this state, which is abolished by the first section of this act, shall file in the clerk's office of the county in which such city is located, all papers, dockets and records relating to said district court or to any suits therein pending or determined, there to remain as records which may be used and certified in like manner as other records of said county contained in said clerk's office. Clerk shall file all papers, records, &c., in county clerk's office.

3. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Passed April 18, 1894.

## CHAPTER LIV.

An Act to further define the duties of "factory and workshop inspector," and to include in the same the inspection of mines and the making and enforcement of regulations in respect to the operation of the same with increased safety to those employed therein.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "factory and workshop inspector" shall hereafter, in addition to the duties already imposed upon him by law, have full power and authority to visit and inspect, at all reasonable hours, and as often as practicable, all mines in this state, and to report to the governor of this state on or before the first day of November in each year the result of such inspection, together with such recommendations as said "factory and workshop inspector" shall deem proper and necessary.

2. *And be it enacted*, That the said "factory and workshop inspector" shall, by personal examination or otherwise, ascertain if proper and necessary safeguards are erected and maintained by the owner or owners, lessee or lessees of each and every mine, for the protection of the lives of the men employed therein; in case it shall appear to the said "factory and workshop inspector" that any such owner or lessee has neglected to make proper provision for the safety of the employes working in any such mine, he shall serve or cause to be served upon any such owner or lessee, a notice in writing, stating briefly such neglect, and such owner or lessee shall immediately remedy the same, or in case of death or accident from such neglect, be criminally liable therefor.

3. *And be it enacted*, That it shall be the duty of said "factory and workshop inspector," to whom a complaint in writing shall be made by any employe in any mine in this state that any such mine is dangerous to the lives of those employed therein, without delay to view and examine the mine complained of; and if he shall find such complaint to be just, he shall give notice in writing of the danger, to the

Inspector shall visit and inspect all mines in the State

And report to the Governor.

Shall ascertain if proper safeguards are maintained.

Notice shall be served on owner or lessee who neglects. Neglectful owner or lessee shall be criminally liable.

Inspector shall make complaint.

owner or lessee thereof, and in such notice may, in his discretion, order such mine closed until he shall issue his order that such danger has been removed. May order mine closed.

4. *And be it enacted*, That any owner or lessee receiving such notice as is mentioned in the last preceding section, and refusing to comply therewith, shall forfeit the sum of one thousand dollars, to be recovered in an action upon contract by the said "factory and workshop inspector," in his individual name, in any court of competent jurisdiction; the said penalty when recovered, less the costs and expenses thereof, to be paid to the overseer of the poor of the township in which such mine is located, for the use of the poor of said township. Penalty for refusing to close.

5. *And be it enacted*, That this act shall take effect immediately.

Passed April 18, 1894.

## CHAPTER LV.

A Supplement to an act entitled "An act to provide for and secure the raising of revenue for the execution of the public duties of maintaining public schools, preventing the destruction of property by fire, preserving the public health, supporting the poor, maintaining police and keeping the highways and streets in a safe condition for public use within the limits of incorporated cities towns and municipalities in cases where the local or municipal authorities or officers fail to provide for the performance of such duties," approved March twentieth, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no tax heretofore levied under the act to which this is a supplement shall be set aside or holden to be null and void in any court of judicature or elsewhere, for any informality or irregularity in the levy or No tax shall be set aside for informality or irregularity.

Or because it exceeded amount needed for special purposes, Or because it differed from the amount ordered to be raised.

assessment of the same, or because such tax exceeded the amount needed for the specific objects for which the same was levied during the year in which the same was so levied, or because the amount levied differed from the amount ordered to be raised by the municipality in which the same was levied; and all such taxes and proceedings to levy and collect the same are hereby ratified and confirmed; *provided, always*, that any such tax does not exceed the percentage limited by the act to which this is a supplement, and that the property upon which the same was levied was liable to taxation in such municipality.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 18, 1894.

## CHAPTER LVI.

A Supplement to an act entitled "An act to authorize cities to construct sewers and drains and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever the assessments for the construction of sewers and drains as provided for by the act to which this is a supplement, with all costs, interest and charges thereon to date of the final assessment, shall have been made, the owners of lots and parcels of land so assessed may pay the said amount in ten equal yearly payments, with interest thereon from said date, at the rate of six per centum per annum, payable semi-annually; upon failure to make such annual payment or said interest when due, to the treasurer or other collecting officer of any city wherein the same may be due, the whole of such assessment shall become immediately due and payable, and the treasurer or other collecting officer of such city shall proceed to collect such assessments, with interest, costs and charges, in the manner prescribed for past-due assessments for street pay-

Sewer assessments may be paid in ten annual installments. Whole amount shall be due and payable on failure of annual payment.

ing in any such city; *provided*, that this act shall not apply <sup>Proviso-</sup> to cities of the first class; *provided, however*, that payments may be made in the manner aforesaid only when so authorized by resolution of the board of aldermen or other governing body in such cities.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 19, 1894.

## CHAPTER LVII.

A Supplement to an act entitled "An act for the relief of creditors against absconding and absent debtors," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cases where an attachment has heretofore been, or shall hereafter be, issued out of the supreme court or any circuit court of this state, the said court, in its discretion, or a judge thereof, may, either before or after the entry of judgment, order the whole, or such part of the personal property as shall be necessary, <sup>Personal property may be sold at private sale.</sup> sold at private sale upon such terms and under such restrictions as may be imposed in the order for sale.

2. *And be it enacted*, That in all cases where an attachment has heretofore been, or shall hereafter be, issued out of the supreme court or any circuit court of this state, by virtue of which personal property may have been, or shall be, attached, and such personal property consists of goods and chattels in process of construction, the court out of which such attachment issued, in its discretion, or a judge thereof, may, by order, direct the auditor to make such expenditure as may be necessary to complete said goods and chattels and put them in marketable condition, and allow and pay the expenses incurred therein out of any moneys in the hands of the auditor. <sup>Auditor may complete goods and chattels in process of construction, and pay expenses.</sup>

Real estate  
may be put in  
tenantable  
condition.

Auditor shall  
pay expenses.

3. *And be it enacted*, That in all cases where real estate has been, or shall hereafter be, attached under the act to which this is a supplement, the auditor, under the authority and direction of the court out of which the attachment has been, or shall be, issued, or a judge thereof, may make such expenditures as shall be necessary to put the same in tenantable condition, and the expenses thus incurred shall be allowed and paid out of any moneys in the hands of the auditor.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 19, 1894.

## CHAPTER LVIII.

A Supplement to an act entitled "An act concerning cities," approved March eighth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act concerning cities," approved March eighth, one thousand eight hundred and seventy-seven, be amended so as to read as follows:

Council may  
appoint city  
marshal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of any city of less than ten thousand inhabitants where they now have a city marshal elected by the people, may annually hereafter, in lieu of such election, by a majority of the whole number of its members, at their first stated meeting after their organization or as soon as possible thereafter, appoint a city marshal, who shall serve for one year unless sooner removed by said common council for cause as now provided by the law, and that said marshal shall possess all the powers, perform all the duties required to be done by any marshal heretofore or now elected by the people in such city, and that it shall and may be lawful for the common council of any such city at the next stated meeting after the passage or approval

Shall possess  
all the powers  
&c., of mar-  
shal hereto-  
fore elected.



of this act, as the case may be, or as soon as possible thereafter, to determine, by resolution or ordinance, whether the said marshal shall thereafter be elected by the people or appointed by the common council of such city, and that if the said common council shall determine, by resolution or ordinance, that such marshal shall thereafter be elected by the people and no such election shall be had after the passage of this act and before the passage of such ordinance or resolution, as the case may be, then the office of marshal shall be deemed vacant until the next annual election in such city, and then such vacancy shall be filled by such common council as heretofore.

Council may determine whether thereafter the marshal shall be elected or appointed.

When the office shall be deemed vacant

2. *And be it enacted*, That all acts and parts of acts, general, special or private, inconsistent with this act, be and the same are hereby repealed.

Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 19, 1894.

## CHAPTER LX.

An Act defining fraternal beneficial and relief societies and their status, authorizing them to create subordinate lodges and to pay benefits upon the sickness, disability or death of their members, from funds collected by dues and assessments therein, providing for their registration in the office of the insurance commissioner, and requiring that they shall make annual reports to him, and exempting them from taxation and from the supervision of the insurance commissioner.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation, society or voluntary association now or hereafter formed, organized and carried on for the sole benefit of its members and their beneficiaries and not for profit, to have and create subordinate lodges with ritualistic form of work

Societies not for profit may create subordinate lodges with form of work and government.

May issue certificates of membership and pay benefits.

and a representative form of government, and to issue certificates of membership, make provision for the payment of benefits in case of sickness, disability or death of its members, subject to their compliance with its constitution and laws in which the fund from which the payment of such benefits shall be made, and the expenses of such association shall be defrayed and shall be derived from assessments or dues collected from its members, and in which the payment of death benefits shall be to families, heirs, blood relatives, affianced husband or affianced wife of, or to persons dependent upon the member; such corporation, society or voluntary association now existing, or hereafter formed or organized, shall be and is hereby declared to be a fraternal beneficial society and shall be governed by this act, and shall be exempt from the provisions of the insurance laws of this state, and no law hereafter passed shall be applied to them unless they be expressly designated therein; all funds of such fraternal beneficial societies shall be exempt from the state tax on money at interest.

Shall be exempt from insurance laws.

Funds of shall be exempt from state tax.

Supreme or other bodies shall file copy of constitution &c, with insurance commissioner.

2. *And be it enacted*, That within sixty days after the passage of this act all supreme or grand or other bodies which may be known to constitute the head of any fraternal beneficial society doing business within this state, as provided in the first section of this act, shall file through its proper officers or representatives with the insurance commissioner a copy of their constitution and general laws, and annually any alterations, changes or amendments, whose duty it shall be to register them without charge in the insurance department as fraternal beneficial societies, and when so registered, they shall be exempt from any and all fees and taxes imposed by existing laws upon insurance companies reporting to said department.

Shall be registered without charge.

Shall make annual report under oath.

3. *And be it enacted*, That the executive officers of each such supreme or grand lodge of any fraternal beneficial society doing business in this state shall, on or before the first day of March of each year, make a report under oath on a blank to be provided by the insurance commissioner, which report shall be printed as a part of his annual report, of the operations of said society in this state, for the preceding fiscal year ending December thirty-first, in form as follows :

## I.

Name of the society or association, with its principal office or place of business. Form of annual report.

## II. INCOME.

- First. Annual dues ;
- Second. Assessments ;
- Third. All other sources ;
- Fourth. Total income during the year.

## III. EXPENDITURES.

- First. Losses and claims paid ;
- Second. Salary and other compensation of officers ;
- Third. Rent ;
- Fourth. Office expenses ;
- Fifth. All other expenditures.

## IV. ASSETS.

- First. Real estate ;
- Second. Loans on mortgages ;
- Third. Bonds and stock owned absolutely ;
- Fourth. Cash in office or bank ;
- Fifth. Due from members on assessments called or pending collection ;
- Sixth. All other assets (stating character.)

## V. LIABILITIES.

- First. Losses and claims unpaid ;
- Second. Salaries due and unpaid ;
- Third. Borrowed money ;
- Fourth. All other liabilities (stating character).

## VI. EXHIBIT OF MEMBERSHIP.

- First. Total members in good standing December thirty-first, one thousand ——— hundred and ——— ; number, ———.
- Second. Total number of members received by initiation or re-admission during the year ; number, ———.
- Third. Total number, ———.

Fourth. Deduct members retiring by withdrawal or suspension during the year ; number, ———.

Fifth. Deduct members who have died during the year ; number, ———.

Sixth. Total members in good standing December thirty-first, one thousand ——— hundred and ——— ; number, ———.

Societies failing to register or report prohibited from doing business. Officers violating requirements deemed guilty of misdemeanor.

Proviso.

Proviso.

Proviso.

4. *And be it enacted*, That any fraternal beneficial society failing to register as required by the second section of this act, or to make the report required by the third section of this act, shall be prohibited from doing business in this state, and the officers of societies violating these requirements shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars for each offense ; *provided always*, that nothing in this act shall be so construed as to give the insurance commissioner any supervision or authority in any matter or thing whatsoever pertaining to the business of any fraternal society as prescribed in the first section of this act, other than is expressly provided for in the second and third sections hereof ; *and provided further*, that all beneficial and relief associations formed by churches, societies, classes, firms or corporations with or without ritualistic form of work, the privileges and membership in which are confined to the members of such churches, societies or classes and to the members and employes of such firms or corporations, shall be exempt from the provisions of this act ; *and provided further*, that this act shall not apply to any secret fraternal beneficial society, order or association which has for one of its objects the payment of a sum not exceeding a certain amount at the expiration of a fixed period.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 23, 1894.

## CHAPTER LXII.

## An Act relating to and regulating the government of cities

## OF ELECTIONS AND THE SELECTION, DUTIES AND OBLIGATIONS OF CITY AND WARD OFFICERS.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the term of office of any mayor hereafter elected in any city of this state shall be two years, notwithstanding any clause in the charter of any city limiting the term for a period less than two years, and that his term of office shall commence on the third Tuesday in March next ensuing said election. Mayor's term of office.

2. *And be it enacted*, That the mayor shall be the chief executive officer of such city, and shall possess the powers and privileges and shall perform the duties which are hereinafter specified, and shall be elected for the term of two years at the annual charter election on the second Tuesday in March, and shall receive such annual compensation for his services not exceeding two thousand five hundred dollars per annum, as the common council shall by ordinance fix and determine, and he shall receive no fees or other compensation whatever. His powers and privileges. Election and salary. Shall receive no fees.

3. *And be it enacted*, That the mayor shall be the head of the police department, and shall have exclusive power to appoint, suspend and remove all policemen and subordinates in such department; his appointments, however, shall not take effect until confirmed by the common council; he shall see that all such officers are prompt and faithful in the discharge of their duties, and shall, from time to time, take such measures as he may deem necessary for the preservation of peace and good order and the enforcement of the laws and ordinances of the city. Shall be head of police department with power to appoint, suspend and remove. Council shall confirm. Mayor shall preserve the peace and enforce the laws.

4. *And be it enacted*, That the common council may by ordinance, in every city in this state, provide for and establish a board of education, to consist of seven members to be appointed by said council or other legislative body, who shall hold office for a term not exceeding three years. Board of education may be established.

Elections shall  
be by ballot.

Officers to be  
elected.

5. *And be it enacted*, That an election by ballot shall be held annually on the second Tuesday in March in each of the wards and election districts in every city of this state, at such times and in such manner as is now provided by law, at which election there shall be elected in each and for each of the wards of such city such members of the common council as is now or may hereafter be provided by law; one treasurer, who shall hold his office for two years; and there shall also be elected in and for every city in this state, at the city election in every three years, one person to be collector of taxes of said city, and one overseer of the poor, who shall hold their respective offices for the term of three years; there shall be elected one assessor and one chosen freeholder from each of the respective wards in every city in this state, who shall hold their respective offices for the term of three years; there shall also be elected each year three commissioners of appeal in cases of taxation, who shall hold their office for one year, and such other city and ward officers shall be elected at such city elections as is now or may hereafter be provided by law; the common council may by ordinance abolish any office not created by or in virtue of the provisions of this act, and end the term and authority of any officer serving therein.

Vacancies, how  
filled.

Places of  
officers elected  
failing to quali-  
fy or ineligible,  
shall be de-  
clared as va-  
cant.

When council  
may fill vacan-  
cies.

6. *And be it enacted*, That if at any annual city election in any city of this state there shall be one or more vacancies to be supplied in any office at the same time any person is to be elected for the full term of said office, or if two or more are elected at the same time to serve for different terms, the term for which each person voted for, for said office, is intended, shall be designated on the ballot; and if any person who shall be elected to any office at the annual city election shall not qualify according to law, for the space of twenty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of said offices shall not qualify, according to law, for the space of twenty days after such election or appointment, his office shall be deemed vacant.

7. *And be it enacted*, That in case of death, resignation, disability, disqualification, removal from office, neglect or refusal to act, or removal out of the city or ward of any of the officers, or any vacancy in any office except mayor, councilman or justice of the peace, it shall be lawful for the common council to appoint others in their stead

until the next city election, or in case of appointed officers until the regular period for appointments, who shall, during the said term, perform the like services, be entitled to the same fees and be subject to the same responsibilities as though elected at the annual election or appointed at the regular time; *provided*, that all resignations shall be sent to the mayor, and he shall report the same to the common council at its next meeting thereafter. Proviso.

8. *And be it enacted*, That every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, including the city solicitor, who shall be elected for the term of three years, shall, before they enter upon the duties of such office, take and subscribe before the mayor or city clerk, an oath or affirmation, faithfully and impartially to execute the duties of his office to the best of his knowledge, skill and ability and such other oaths as may be required by the laws of this state; all such oaths or affirmations shall be filed by the city clerk in his office; the city treasurer, superintendent of schools, receiver of taxes, constables, overseer of the poor and such other officers as the common council may require shall also, before entering upon the duties, each give bond to the city in its corporate name, in such sum and with such sureties as the common council may approve, or as may be required by any act of the legislature of this state, conditioned for the faithful performance of the duties of their respective offices; and if at any time the common council shall deem the sureties of any officer insufficient, they shall require him to give additional security. Elective and appointive officers shall take and subscribe oath.

9. *And be it enacted*, That any city or ward officer, except members of the board of city assessors, may be removed from office by resolution, for disability or other good cause shown, upon complaint in writing to the common council, setting forth such cause, supported by one or more affidavits of the truth of the facts therein alleged; *provided, however*, that no such removal shall take place until the person sought to be removed has had an opportunity to be heard in his defence, nor unless two thirds of all the members of the common council shall vote for such removal; *and provided further*, that any member of said board of assessors may be removed from office for good cause shown, on the recommendation of the finance committee of the common council and by two-thirds vote of all the members of the Oaths shall be filed.  
Officers who shall give bonds.  
Officers may be removed for cause.  
Proviso.  
Proviso.

Vacancies shall be filled for unexpired term.

common council; vacancies occurring in such office shall be filled for the unexpired term by the common council.

#### POWERS AND DUTIES OF THE COMMON COUNCIL.

Powers and duties of common council.

10. *And be it enacted*, That the common council shall annually elect a president from its own body, and in his absence a president pro tempore, choose officers, appoint its time and place of meeting, determine the rules of its own proceedings, be the sole judge of the election returns and qualification of its own members, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules; but no expulsion shall take place except by the vote of two-thirds of all the members elected, nor until the delinquent member shall have had five days' notice of the proceedings and an opportunity to be heard in his defense; and the first meeting of the common council after the annual election shall be held on the third Tuesday in March of every year.

Duties of city clerk.

11. *And be it enacted*, That the city clerk shall be the clerk of the common council; he shall keep accurate minutes of the proceedings of the common council, and shall perform such other duties as may be required of him.

Quorum.

12. *And be it enacted*, That a majority of the whole number of members of the common council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time; the president of the common council shall be authorized to call special meetings of the common council when the public good shall in his opinion render it necessary; and on the request of a majority of the common council, in writing, addressed to the president, it shall be his duty, or in his absence it shall be the duty of the city clerk, to call special meetings.

Special meetings.

Majority shall pass or repeal ordinances.

13. *And be it enacted*, That no ordinance shall be passed or repealed by the common council except with the concurrence of a majority of all the members of the common council, and no ordinance shall be altered or repealed save by ordinance to that effect; every ordinance shall be read three times before its final passage; no ordinance shall be finally passed until a subsequent meeting to that at which it may be introduced, but each and every ordinance so passed as aforesaid shall be published in one or more of the

Ordinances shall not be passed at same meeting introduced. And shall be published in newspapers.



newspapers printed and published in said city, ten days before the same shall take effect; *provided*, that whenever the common council shall cause a revision of the ordinances of the city to be made, and shall direct the same to be published in a printed volume, it shall not be necessary to publish such revised ordinance in a newspaper; every ordinance or resolution passed by the common council shall, before it takes effect, be presented, duly certified by the city clerk, to the mayor, who, if he approves the same, shall sign it; and if he do not approve it, shall return it, with his objections, to the clerk within five days after the presenting thereof, and if he do not return it with such objections within the time above specified it shall take effect as if approved by him; whenever any ordinance or resolution shall have been returned with objections aforesaid to the common council, the said common council shall, at its first meeting thereafter, order the objections to be entered at length on its journal, and shall proceed to reconsider the same, and if, on reconsideration, it shall pass the council by a vote of two-thirds of all the members, it shall take effect notwithstanding such objections; in all such cases the votes shall be taken by ayes and nays and entered in full on the journal of said council; the publication of all ordinances as herein required shall in all cases be presumed to have been made until the contrary shall be proved; the publication of private ordinances shall in all cases be procured to be done and the expense thereof borne by the person benefited thereby or applying therefor.

Proviso.

Mayor shall approve.

Mayor may veto.

Two-thirds of council required to pass over a veto.

Publication assumed unless contrary is shown.

14. *And be it enacted*, That the enacting clause of all ordinances shall be, "Be it ordained by the common council of the city of \_\_\_\_\_." (Inserting herein the name of the city in which this act shall take effect.)

Enacting clause.

15. *And be it enacted*, That the councilmen of any city in the state duly elected by the several wards thereof shall constitute and be called "The common council of the city of \_\_\_\_\_." (Inserting herein the name of the city in which this act shall take effect.)

Title of council.

16. *And be it enacted*, That the common council of all cities in this state shall have power within the said city to make, establish, publish, modify, amend or repeal ordinances, rules, regulations and by-laws, for the following purposes:

Council may pass ordinances.

I. To manage, regulate and control the finances and

Regulating &c. the city finances and property.

property, real and personal, of the city ; to borrow money and negotiate temporary loans, in anticipation of taxes or other revenues for any current year, and for payment for any public improvement, not exceeding the amount of the specific assessment for such improvement.

To prevent vice and immorality and to preserve good order.

II. To prevent vice, drunkenness and immorality ; to preserve public peace and good order ; to prevent and quell riots, disturbances and disorderly assemblages ;

Suppressing gambling and other disorderly houses.

III. To restrain and suppress disorderly and gaming-houses and houses of ill-fame ; all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices ;

Licensing saloons, &c.

IV. To license and regulate restaurants and victualing-houses or cellars, ale and lager beer saloons or gardens, billiard tables and bowling allies, and to prohibit the keeping of the same except by persons duly licensed ;

Regulating sports and exhibitions.

V. To prohibit, restrain, regulate and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sums to be paid for such licenses to the city treasurer ;

Establishing boundaries of streets, &c.

VI. To ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys and public places in said city, and prevent and remove all encroachments upon said streets, avenues, highways, lanes, alleys and public places ;

Regulating, repairing and cleaning streets, &c.

VII. To regulate, clean and keep in repair the streets, highways, avenues, lanes, alleys, public places, bridges, wharves and docks in such city, and to prevent and remove obstructions and incumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts, water courses, wharves, docks and other public

Regulating the use of streets by corporations or individuals.

places in any manner whatever ; to prescribe the manner in which corporations or persons shall exercise any privileges granted to them in the use of any street, avenue, highway or alley in said city, or in digging up any street, avenue, highway or alley for the purpose of laying down pipes or any other purpose whatever, and to prohibit and prevent any such use or work at such times and seasons of the year

Regulating the planting &c. of trees.

as they may designate ; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, avenues, parks and grounds of the city, and to authorize or prohibit the removal or destruction of such

shade trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owners or occupants of the premises fronting thereon; Enforcing removal of snow, ice, and dirt.

VIII. To open streets and to grade, pave or otherwise improve the same; to widen, level, grade, flag or reflag, curb or recurb, gutter or regutter, pave or repave, or gravel the sidewalks and gutters; to lay drains or construct sewers in any street, avenue, highway or section thereof; to prescribe the manner in which any such work shall be performed, and the mode in which the costs, damages and expense thereof shall be ascertained, and to cause such costs, damages and expense, or any proportion thereof, to be assessed in just and equitable proportion on the owners of the property, whether improved or unimproved, receiving benefit from such improvement, and to determine the time and manner in which such assessments shall be collected; To open, grade and improve streets, &c., and to lay sewers.

IX. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said city which shall be deemed dangerous or unwholesome, or necessary to carry out any improvement authorized by this act; to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed in just and equitable proportions on the lots or pieces or parcels of ground, whether improved or unimproved, benefited thereby, to the extent of the peculiar benefits conferred, and to determine the time and manner in which such assessment shall be collected; To regulate grading, filling, and fencing of lots.

X. To prevent or regulate the erection or construction of any stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, sign or any post or erection, or any projection or otherwise, in, over or upon any street or avenue, and to remove the same, where already erected, at the expense of the owner or occupant of the premises; To regulate projections of buildings, signs, &c.

XI. To prevent and punish horse racing and immoderate driving or riding in any street, highway or public place, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, highway or public place, and to regulate the speed and running of locomotive engines and railroad cars, motor, electric or other cars through said city, and designate the crossing at which any railroad company shall be required by the common council to station flagmen or signals to To prevent horse racing, or fast driving, speed of locomotives, &c., on or across streets. To station flagmen.

warn travelers of the approach of locomotive engines or railroad cars ;

To prohibit cattle driving on Sundays, and to regulate on other days.

XII. To prohibit the driving of any drove or droves of cattle through any of the streets of the city on the first day of the week, commonly called Sunday, and to regulate the same at other times ;

To regulate parks, &c.

XIII. To regulate, protect and improve the parks, public burial grounds and other public grounds in said city ;

To light streets &c.

XIV. To provide lamps, gas fixtures and other means of illumination, and to light the streets, parks and public places of every description in said city ;

XV. To make and regulate wells, pumps, aqueducts and cisterns in the public streets ;

To establish pounds.

XVI. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding and sale ;

To prohibit dogs running at large and to tax owners.

XVII. To regulate and prevent the running at large of dogs, to authorize the destruction of dogs running at large and to impose taxes on the owners of dogs ;

To regulate slaughter houses, &c.

XVIII. To locate, regulate and remove slaughter-houses, establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling such articles without license ; to provide for the removal and disposition of offal, garbage and all refuse matter which may become dangerous to the public health, and to authorize and empower the local board of health, established or to be established in such city, to make removal and disposition thereof, or to provide therefor, and in case such boards are given such power and authority, they are hereby authorized to accept the same and given power to remove and dispose of such refuse matter ;

To regulate vending of hay, wood, &c.

XIX. To prescribe and regulate the places of vending or exposing for sale wood, hay, straw and other articles from wagons or other vehicles ;

To prevent annoyances.

XX. To regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said city ;

To punish drunkards, beggars, &c.

XXI. To restrain and punish drunkards, vagrants, mendicants and street beggars ;

**XXII.** To establish a board of health, define its powers and duties and provide for the protection and maintenance of the health of the city; To establish a board of health

**XXIII.** To prescribe the manner in which all contracts for performing work or furnishing materials for the city shall be made and executed; To prescribe terms of contracts.

**XXIV.** To abate and remove nuisances of every kind, and to require the owner or occupant of any grocery, cellar, tallow-chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer or other offensive or unwholesome house or place, lot or inclosure, to cleanse or remove or abate the same, or, in a summary manner, to cause the same to be done at the expense of the owner or occupant thereof; To abate nuisances.

**XXV.** To regulate the burial of the dead, prohibit interment within such limits as it may prescribed, purchase land for public burial places, direct the keeping and return of bills of mortality and to establish such regulations for conveying the dead through the streets of said city as the health, quiet and good order of the city may, in their opinion, require; To regulate burials and funerals.

**XXVI.** To license and regulate cartmen, porters, hacks, cars, omnibuses, stages and all other carriages and vehicles used for the transportation of passengers, baggage, merchandise and goods and chattels of any kind, and the owners and drivers of vehicles and means of transportation; also auctioneers, common criers, hawkers, peddlers, pawn-brokers, junkshop keepers, keepers of bath-houses, boarding houses and news-stands, sweeps, scavengers, traveling and other shows, circuses, theatrical performances, plays, exhibitions, concerts, skating rinks, itinerant vendors of merchandise, medicines and remedies, and also the place or places or premises in which or at which the different kinds of business or occupation mentioned herein are to be carried on or conducted; and to fix the rates of compensation to be paid therefor, and to prohibit all persons and places, and all vehicles unlicensed, from acting, using or being used in said capacities, and for such uses and purpose; and to fix and prescribe penalties for the violation of such ordinance or ordinances, and that fees for such licenses may be imposed for revenue; *provided*, that no person or persons shall be required to take out a license in order to sell any product of his farm; To license cartmen, hacks, peddlers exhibitions &c.  
To assess license fees and to prohibit unlicensed persons and places.  
Proviso.

To regulate ringing of bells, &c.

XXVII. To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the street;

To regulate swimming or bathing

XXVIII. To regulate or prohibit swimming or bathing in the waters of or bounding the city;

To regulate weights and measures.

XXIX. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise, or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection;

To establish police force.

XXX. To establish, regulate and control a day and night police, and to fix and determine their compensation;

To establish and regulate a fire department.

XXXI. To establish, regulate and control a fire department; to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation; to provide fire engines and other apparatus and engine houses and other places for keeping and preserving the same, and to provide water for extinguishing fires;

To regulate construction of buildings, chimneys, &c.

XXXII. To regulate and control the manner of building dwelling-houses and other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling-house, store, stable or other building of wood or other combustible material; to regulate the construction of chimneys and to compel the sweeping thereof; to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, or in any of the streets or alleys of the city; to authorize any city officer, or person or persons whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and, if not, to direct or cause the same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks and the use of firearms in said city; to regulate or prohibit the keeping or conveying gunpowder, camphene, benzine, naphtha, gasoline, coal oil, spirit gas, petroleum and other dangerous materials and the use of candles and lights in barns, stables and other build-

To prohibit deposit of ashes.

To appoint building inspectors.

To regulate dangerous manufactories.

ings; to raze or demolish any building or erection which by reason of fire, contagion, or any cause may become dangerous to human life or health or tend to extend a conflagration, to require all such further or other acts to be done, and to regulate and prohibit the doing of all such further or other acts as they may deem proper to prevent their occurrence and to provide for the extinguishment of fires in said city.

XXXIII. To adopt all legal and requisite measures for levying and collecting all taxes, fines, penalties and all assessments for public improvements ; To levy and collect taxes.

XXXIV. To prescribe and define the duties of city and ward officers when not otherwise prescribed by law, and fix and determine their compensation and the penalty or penalties for failure to perform their duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same in cases not otherwise provided by law ; to appoint from time to time such subordinate officers as may be deemed necessary to carry into effect the powers and duties hereby created or otherwise conferred or imposed ; To prescribe and define duties, bonds, and sureties of officials.

XXXV. To fix and determine a reasonable compensation to be paid to any officer of said city or other person employed by them for any service required of him by this act or by any ordinance or resolution passed by them for which no specific fee or compensation is provided to be paid by the person or persons for whom such service shall be performed ; To appoint necessary subordinate officers and to fix their compensation.

XXXVI. To supply the city and its inhabitants with water ; to regulate the laying of water mains through the streets of the city, and to direct their extension throughout the entire city and to tax all lots on the streets where such pipes are laid in an equitable, lawful and just ratio, for the expense of laying such mains in front of such lots, whenever a majority of the owners of lots fronting on any street petition for the laying of such pipe in such street, but in no case shall the tax herein authorized to be laid exceed the cost of providing and laying a four-inch main ; and to prescribe by ordinance the manuer in which water bills shall be credited to the persons paying such tax, until the whole amount of tax so paid shall be refunded by such credit. To provide a public water supply system.

17. *And be it enacted*, That the common council shall have power to make and establish such other ordinances, May establish all other ordinances, &c., and alter

amend or repeal the same.

rules, regulations and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed on them by this act, or by any other laws of this state, and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and prosperity of said city and its inhabitants, and the same to alter, amend and repeal.

May prescribe penalties for violation of

Record of same shall be received in evidence.

Printed volume of shall be received in evidence.

Publication assumed to have been made until contrary is proven.

May build and maintain public buildings.

May build and maintain work- and almshouses.

18. *And be it enacted*, That in all cases where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the city or county jail not exceeding thirty days, or by a fine not exceeding two hundred dollars; the book of record of the ordinances and by-laws of the said common council shall be taken and received as evidence of the due passage by said common council of all ordinances and by-laws recorded therein; *and further*, the volume of ordinances and by-laws printed and published by authority of the common council, shall in like manner be taken and received as evidence of the ordinances and by-laws of the said common council, and the publication of the said ordinances and by-laws in the public newspapers, according to law, shall in all cases be presumed to have been made, until the contrary be proved.

19. *And be it enacted*, That the common council shall have power to build and maintain a city hall, hospital and such other public buildings as they may deem necessary, and such as may be required for the accommodation of the city officers and the day and night police of the said city.

20. *And be it enacted*, That the common council shall have power to build, establish, keep and maintain one or more work-house or work-houses, and one or more almshouse or almshouses, and to direct or order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein; and the application and expenditure of all moneys raised for the maintenance and relief of the poor of the said city shall be under the government, management and direction of the said common council and of the overseer of the poor, and such other officer as they shall, for that purpose, constitute and appoint; and the overseer of the poor shall possess the



powers and perform the duties of the like officers of the townships of this state, so far as such powers and duties shall be consistent with the provisions of this act.

21. *And be it enacted*, That the sole and exclusive power to grant licenses to persons to keep inns and taverns within said city shall be vested in the common council, on such terms and under such limitations, regulations, and restrictions as the said common council shall, by their ordinance, impose. May grant  
tavern licenses

#### POWERS AND DUTIES OF CITY OFFICERS AND THE ENFORCE- MENT OF ORDINANCES.

22. *And be it enacted*, That the mayor shall have the power and it shall be his duty to recommend to the common council all such measures connected with the security, health, cleanliness and ornament of the city, and the protection and improvement of its government and finances as he shall deem expedient; to keep the corporate seal of the city; to cause the laws and ordinances to be duly executed and enforced, and to exercise a supervision over the official acts of the subordinate officers of the city, and to report any dereliction of duty to the common council, and generally to perform all such duties as may be required of him by law or the ordinances of said city; he may, under the direction of common council, offer rewards for the detection or apprehension of the perpetrator of any offenses against the city ordinances, or of any high crime or misdemeanor committed within the city, to be paid on the conviction of the criminal. Power and  
duties of  
mayor.  
  
Mayor may  
offer rewards  
for detection,  
&c., of criminals.

23. *And be it enacted*, That the mayor is hereby invested with all the powers and duties which any police justice of the city is now or may hereafter be invested with, and for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, shall have control of the constables, watchmen or other police force of said city, and the power to call upon the citizens for aid in all such cases, and, when he shall deem it proper, to call out the militia of said city and employ the same in quelling any insurrection, riot or disturbance of the peace, and on parades or other public gatherings, when he shall deem it necessary to preserve the public peace and good order, he may appoint for the occa- Mayor invest-  
ed with powers  
of police jus-  
tice for quell-  
ing riots, &c.  
  
May call out  
militia.

sion such special policemen as he may deem necessary and the common council shall provide for their compensation.

Who shall act  
during absence  
&c., of mayor.

24. *And be it enacted*, That whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, sickness or other cause, from attending to the duties of his office, the president of the common council, or, if he be absent or disabled, the president to be elected pro tempore, shall act as mayor, and possess all the rights and powers of mayor during the vacancy in office caused by the absence or disability of the mayor.

Powers and  
duties of  
other officers.

25. *And be it enacted*, That the chosen freeholders, commissioners of appeals in cases of taxation, school superintendent, overseer of the poor, constables and city clerk, elected or appointed as aforesaid, shall respectively possess the powers and perform the duties of the like officers of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act; and that the collector of taxes shall possess the powers and perform the duties of collectors of the several townships, so far as such powers and duties shall be consistent with the provisions of this act.

Tax collector  
may appoint  
deputies.

26. *And be it enacted*, That the collector of taxes shall have power to appoint, with the consent of the common council, one or more deputies, who shall have power to do all and every act or acts which it may be lawful for the said collector to do, and every warrant directed to him may be executed by his deputy or deputies, or either of them, in as full and complete a manner as if executed by the said collector of taxes; and the said deputy and deputies shall give such security for the faithful performance of their respective offices as the common council shall direct.

Deputies shall  
give security.

Where collec-  
tor's office shall  
be kept.

27. *And be it enacted*, That the office of the said collector of taxes shall be kept in the city hall of said city, and he, or such deputy as he shall appoint, shall sit at such times and places in said city for the receipt of taxes as the common council shall direct; and it shall be the special duty of the said collector of taxes to receive all taxes which may be paid, and preserve in his office the duplicate assessment books, which shall from time to time be delivered to him by the board of city assessors, as prescribed by this act.

Special duty of  
collector.

Collector shall  
keep record of  
receipts.

28. *And be it enacted*, That the said collector of taxes shall enter in suitable books to be kept for that purpose,

the sums received by him for taxes respectively, and the ward for which received, with the names of the persons on whose account the same shall be paid on each day, and shall, at least once in each week, furnish to the treasurer a detailed statement of such sums, designating the amounts received, and from which ward, and shall also at the same time pay over to the said treasurer the amount so received, and shall also pay over to the treasurer once in each week the sums collected on any warrant to him directed; he shall thereupon receive from the said treasurer a voucher for the payment of such sum or sums, which he shall file in the office of the city clerk, to be presented to common council.

Shall furnish statement weekly or oftener.

Shall make weekly payments to treasurer.

29. *And be it enacted*, That the city treasurer shall receive all moneys belonging to the city, and shall disburse the same as directed by law, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct, and shall perform such other duties appertaining to his office, as may be required of him by law, or by any ordinance or resolution of the common council; the said treasurer shall at the close of the fiscal year make out a true and full account of the receipts and expenditures during the year, and also the state of the treasury, and within twenty days thereafter deliver said account to the city clerk, who shall lay the same before the common council at their next meeting; and if, upon examination, it shall be found correct, it shall be filed in the office of the city clerk; the fiscal year shall commence on the third Tuesday of March in each and every year.

Duties of city treasurer.

Shall make annual statement

Fiscal year.

30. *And be it enacted*, That the city clerk shall keep all records, books, papers and documents of the city, countersign all licenses signed by the mayor, and keep the record of all the proceedings of the common council; he shall engross all the ordinances of the common council in a book to be provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and such ordinances shall be signed in said book by the president or president pro tempore of the common council and said clerk; and copies of all papers duly filed in the office of the city clerk, and transcripts thereof, and of the records and proceedings of the common council, and copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places; he shall also receive and pay over to the

Duties of city clerk.

Shall record ordinances.

President and clerk shall attest ordinances and attach seal.

Shall receive moneys and pay same to treasurer.

treasurer all moneys which by any law, ordinance or usage are paid to the city clerk.

Duties of other officers.

Secretary of state shall assist sealer of weights and measures.

31. *And be it enacted*, That the city engineer, surveyor, city solicitor, city marshal, city sealer of weights and measures, and all other officers appointed by the common council, shall possess the powers and be subject to the obligations conferred and imposed on them by law, or by the ordinances, by laws, rules and regulations of the common council, and on application for that purpose the secretary of state of this state shall allow and assist the said sealer of weights and measures to compare and adjust the standard of weights and measures for said city and shall certify and seal the same in the manner required by law.

#### ASSESSMENT AND COLLECTION OF TAXES.

Council shall levy taxes for:

32. *And be it enacted*, That the common council shall have power to raise by tax in each year such sum or sums of money as they shall deem expedient for the following purposes:

Lighting streets, Support of poor, Regulation, &c., of streets,

Regulation, &c., of public grounds and parks. Support, &c., of public schools.

Support of police and military. Support of fire departments, Water supply,

Interest on city debts, and loans, &c.,

Purchase of real estate, Other lawful purposes.

Proviso.

- I. For lighting the streets of the city ;
- II. For the maintenance and support of the poor ;
- III. For regulating, cleaning and keeping in repair the streets and highways and the construction of crosswalks ;
- IV. For regulating, improving and protecting the public grounds and parks ;
- V. For the support of public schools and for erecting and maintaining public school-houses ;
- VI. For the support of the police department, armory purposes and to support the national guard ;
- VII. For the support of the fire department ;
- VIII. For supplying the city with water for the extinguishment of fires and other purposes ;
- IX. For the payment of interest upon the city debt, and upon temporary loans, and such part of the principal thereof as may be due and payable and to provide a sinking fund therefor ;
- X. For purchasing necessary real estate ;
- XI. For the contingent expenses of the city and for all other objects and purposes authorized by law, to be assessed and collected in such manner as the common council shall by ordinance direct ; *provided, always*, that it shall not be lawful for the common council to raise by taxation in any

one year, in the general assessment for city purposes, an amount of money that shall cause a greater rate than two hundred cents on one hundred dollars of the valuation of the real and personal property rated and returned for taxation therein as shown by the duplicate of assessment for the current year.

33. *And be it enacted*, That the board of city assessors shall meet on the second Monday in May, in each and every year, and at such meeting they shall select one of their number as chairman, who shall hold his office one year or during the pleasure of said board of assessors; a majority of said assessors shall constitute a quorum for the transaction of business, and they shall have power to adjourn from time to time, and make such rules and regulations for their own proceedings as are not inconsistent with this act and the laws of this state relating thereto.

Powers and duties of city assessors.

34. *And be it enacted*, That the said board of city assessors shall possess the powers of the like officers of any township of this state, and having duly organized, shall proceed to make a full and fair valuation, enumeration and assessment of the real and personal property in said city according to law; and all statements, returns and assessments shall be as of the twentieth day of May of each year, the day on which the assessment is to commence; the assessors shall tabulate and arrange such valuation, enumerations and assessments in lists which shall also exhibit, in alphabetical order, the names of all persons, firms, companies or corporations liable to be assessed to pay any tax, designating the lands, tenements and real estate, as laid down on the maps prepared or to be prepared for that purpose, or on the city atlas, and to affix to each lot, and each subdivision thereof, as the same stands recorded on said atlas, distinguishing the same by their marks or numbers, the true value of each lot or subdivision, together with the value, enumeration and assessment of the objects liable to taxation, for which such person, firm, company or corporation is liable at the time of making these valuations, enumerations and assessments; the assessors shall also make out lists, showing the name and residence of each male inhabitant of said city of the age of twenty-one years and upwards, upon whom they shall assess such poll tax as required by law, or by any ordinance of the common council passed in conformity with any statute in force at the date of the passage

When assessments shall take effect. How tax list shall be made up.

Shall make list of persons liable to poll tax.

Assessors shall give notice of meeting to hear complaints.

of this act; that when the board of assessors of said city shall have made the valuation of personal property and real estate and the improvements thereon, they shall give one week's notice in two of the daily newspapers published in said city, setting forth the time or times and place when and where they will attend to hear and consider all complaints touching such valuations, under such rules and regulations as they may prescribe, and to increase, reduce, alter or modify such valuations as to them may appear just and equitable, after hearing such complaints and making such changes as they may deem proper.

Assessors shall attend meeting of county board of assessors.

35. *And be it enacted*, That the said board of assessors, or such of their number as they may designate for that purpose, shall attend all the meetings of the county board of assessors which shall be convened according to law, and in the proceedings of said county board of assessors, shall be entitled to as many votes as there are wards in the city they represent, which votes shall be cast as said city assessors, or a majority of them, shall direct.

City atlas shall be made and revised.

36. *And be it enacted*, That it shall be the duty of the common council to cause to be made and revised from time to time, a city map or atlas, therein delineating and describing the lots, plots and tracts of land and real estate situate within such city and subdivisions thereof; the said city map or atlas, and all revisions thereof, shall be deemed public records of the said city.

City engineer or surveyor shall have custody of city atlas.

37. *And be it enacted*, That the city engineer or surveyor shall prepare, keep, renew and have the custody of the city map or atlas; he shall keep an index or register of the lots shown thereon and the several owners thereof; and it shall be his duty to make and keep in his office an abstract of each and every deed and transfer affecting lands situate in such city; each abstract shall be properly indexed and entered upon the city atlas, it shall be the duty of the common council to fix by ordinance the compensation of the city engineer or surveyor for the above and all other duties appertaining to his office.

And shall keep record of deeds and transfers.

When tax lists shall be ready for examination.

38. *And be it enacted*, That it shall be the duty of the board of assessors to prepare full lists of taxes and have them ready for examination, revision and correction before the common council on or before the third Monday in August in each year; and the common council, after such examination, revision and correction, when satisfied that the

taxes have been justly and legally assessed, shall direct duplicates to be made in the shortest possible time and placed in the hands of the collector of taxes, whose duty it shall be to make out bills and serve said bills as required by law; said bills shall contain a printed notice when and where the commissioners of appeal will meet for the purpose of hearing any appeals from parties considering themselves aggrieved.

Collectors shall have duplicate and make out and serve tax bills.

39. *And be it enacted*, That the assessors of the said city shall so arrange their duplicates as to specify therein, by letters and numbers as shown on the city atlas, the several lots or subdivisions of lots assessed, with the valuation thereof as shown by the register kept by the city engineer or surveyor, to the end that each lot and subdivision, as they appear at the time upon the city atlas, shall be liable for the whole tax assessed thereon; but if any lot shall have been sold and such transfer not entered on said atlas and register as aforesaid, the person who shall have paid the tax assessed thereon shall have the right to recover from the other parties interested their proportions of said tax, in proportion to the value of the several parts thereof.

Duplicates shall specify lot and divisions assessed and valuations.

40. *And be it enacted*, That the assessors of every city in this state shall assess in the respective divisions and wards of such city, in one and the same duplicate, all the state, county and city taxes to be levied in such city in each year; and the assessors shall assess the said taxes, and the collector of taxes shall demand payment at such times as the taxes are now payable in the townships of this state, or in case the common council shall fix a different time at the time so fixed of the tax or sums assessed on each individual named in the assessment books, in person or by notice left at his or her place of residence, or if not a resident in said city, by notice mailed to his or her last known post-office address, and also give notice of the time and place of the meeting of the commissioners of appeal; and the said assessors and collector of taxes shall, for performing the duties required of them by law and the city ordinances, be entitled to receive such compensation as the common council may by ordinance direct, in lieu of such fees as are now provided by law.

Persons erroneously assessed may recover amount.

State and county tax shall be assessed and collected.

Taxpayers shall have notice. How notified.

Assessors shall have compensation.

#### PUBLIC SCHOOLS.

41. *And be it enacted*, That the board of education shall

Board of education incorporated.

May have a  
common seal.  
Shall elect  
president, &c.

Shall elect city  
superintenden-  
dent and secre-  
tary and fix  
terms and  
salary.

Quorum.

Shall furnish  
council with  
estimate.

What estimate  
should specify.

Council shall  
determine  
amount of ap-  
propriation.

Shall raise  
necessary  
amount by tax

be a body politic in fact and in law; they and their successors forever shall and may have perpetual succession and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in any court of law or equity; and that they and their successors may have a common seal and alter the same at their pleasure; that the said board of education shall annually elect a president from its own body and in his absence a president pro tempore, appoint its time and place of meeting and determine the rules of its own proceedings, and such boards of education shall have power to choose a city superintendent, define his duties and fix his compensation, not to exceed one thousand five hundred dollars per annum, and his term of office shall not exceed three years; it shall also appoint a secretary, who shall keep a journal of its proceedings and perform such other duties as the board may prescribe; a majority of the whole number of members shall constitute a quorum for the transaction of business, and no resolution or order shall be adopted without the consent of a majority of the whole number of said members; the president of the board shall have the power to call special meetings whenever he shall deem it expedient.

42. *And be it enacted*, That the board of education shall prepare and transmit to the common council, on or before the first day of July in each year, an estimate of the amount of the moneys necessary for the support of public schools in such city during the year, which estimate shall specify particularly under the several heads of erection and repairs of school-houses, salaries of teachers and officers of the board, school books, school furniture and school libraries, heating and fuel and incidental expenses, as nearly as may be, the several sums required for each branch of expenditure, and the said common council of any such city shall determine by ordinance or resolution the amount of moneys to be appropriated to the public schools during the year, including therein the quota of any such city of the annual appropriation made by the state for the support of the public schools; and the said common council are hereby empowered to raise by tax such sum or sums of money for the support of the public schools, as required by the law of the state, or such sum in addition thereto as said council may deem expedient or necessary; and all moneys so raised



and appropriated shall be expended by said board of education for the support of public schools in such city or school district according to the provisions of their act of incorporation and the state law in relation to the public schools.

43. *And be it enacted*, That the board of education shall take charge of the public school houses in any such city or school district and shall cause all necessary repairs to be made to the same, and are also empowered to establish public schools of different grades, adapted to the age and progress of the pupils, including evening schools for apprentices, minors and adult persons; to select and employ teachers; to provide school-books, school furniture and school libraries for the schools; to purchase heating apparatus and fuel or otherwise provide for the heating and lighting of such school-houses, and incur such incidental expenses for the maintenance of the schools as may be necessary; and to adopt rules and regulations for the admission of pupils, the investigation and inspection of the schools, and the government and the studies to be pursued therein.

Board shall take charge &c of school houses.

Shall establish grades of scholars.

Shall establish evening schools.

Shall furnish books, furniture, &c.

Shall adopt rules, regulations, &c.

44. *And be it enacted*, That whenever the superintendent and the board of education shall, with their annual estimate aforesaid, represent to the common council that it is expedient to buy land and erect a school-house thereon, with the estimated cost thereof, the common council shall have the power to raise the whole or any part of money required for such purpose, either by tax, to be included in the next general assessment for city purposes, or by loan on the credit of such city, and when collected or borrowed it shall be paid over to the superintendent of public schools to be applied for the object aforesaid.

Council shall raise money for new school houses

And pay same to superintendent.

45. *And be it enacted*, That the said superintendent and board of education shall, at the close of the fiscal year, prepare a report embracing the number of schools under their charge, specify their grades, and the number and the names of the teachers, the number of pupils on the roll and the average attendance in each school, and a full and true account of the expenditures of the board during the year, under the respective heads of repairs of school houses, salaries of teachers and officers of the board, school-books, school furniture, school libraries, heating and fuel, and incidental expenses, and shall transmit the said annual report to the common council, and a copy thereof to the state superintendent of public schools.

Superintendent shall report annually in detail.

City treasurer shall pay school taxes to superintendent.

46. *And be it enacted*, That the city treasurer shall, in each year, from time to time pay over to the said school superintendent such sum of money as shall have been ordered to be raised by tax for the support of public shools in such city, not required by the law of this state to be paid to the county collector, on warrants to be signed by the said superintendent and countersigned by the comptroller.

STREETS, HIGHWAYS, DRAINS, SEWERS AND ASSESSMENTS THEREFOR.

Council shall have power :

47. *And be it enacted*, That it shall be lawful for the common council of any city in this state, whenever in their opinion the public good requires it, by ordinance :

To lay out, accept and open streets, parks, &c.

I. To lay out, accept and open any street, road, highway or alley, public park or square within said city ; and to order and cause any street, road, highway or alley already laid out to be vacated, straightened, altered or widened, and to take and appropriate for any such purpose when necessary,

To vacate, straighten, alter, &c, streets, &c. To take lands for such purposes. Shall compensate owners.

any lands and real estate upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided, and such powers shall belong exclusively to the said common council ; and they may, at their discretion, by ordinance, accept such lands as may be dedicated by the owners thereof as public streets or alleys, and thereupon shall be bound to keep up, repair and maintain the same to the same extent that they may be bound to keep up, repair and maintain streets or alleys laid out by other legal proceedings ;

Shall keep up and repair streets, &c.

May construct sewers and drains,

II. To order and cause sewers or drains to be constructed, and, if necessary, to take and appropriate, for the purpose of constructing such drains or sewers, any lands and real estate upon making compensation to the owner or owners thereof, and to make a just and equitable assessment upon all the owners of land and real estate peculiarly benefited thereby, in proportion to the benefit each shall be deemed to acquire of the costs, damages and expenses so incurred.

And assess benefits.

May grade and improve streets or section of.

III. To order and cause any street or section of a street to be graded, graveled, paved, flagged or otherwise improved and regulated in such manner as they may deem advisable, and to assess the costs and expenses of such improvement upon the owners of property benefited thereby ; in no case, however, shall any assessment for benefits made under the

And assess cost upon owners.

authority of this act exceed the special and peculiar benefit which the owner or owners of said property shall receive by reason of the improvement.

48. *And be it enacted*, That no ordinance shall be adopted by the common council for making any improvement or performing any work under and by virtue of the provisions of the last preceding section of this act or either of the subdivisions thereof, or under and by virtue of this act, until public notice shall be given of the intention of the common council to cause such improvement to be made or such work to be done and performed, and to that end it shall be the duty of the city clerk, by direction of the common council, to give notice in two or more newspapers published and circulated in any such city, for at least ten days, of the intention of the common council to cause such improvement to be made or such work to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto, to present their objections in writing at the office of the city clerk, on or before a day to be specified in said notice, not less than ten days from the time of such direction, and at any time thereafter the common council may proceed to consider such ordinance as aforesaid.

Clerk shall first give notice in newspapers of any proposed public improvements.

objections may be presented in writing.

49. *And be it enacted*, That whenever any ordinance shall be passed by the common council for making any improvement or performing any work under and by virtue of the provisions of this act, all further acts and proceedings which it may be necessary for the said common council to take to carry out said improvement or work to completion, and all orders relating thereto, may be by resolution and not by ordinance.

Further proceedings may be by resolution.

50. *And be it enacted*, That whenever the common council shall determine, by ordinance, to lay out and open any street, road, highway or alley, public park or square within said city, or to alter, widen or straighten any street, road, highway or alley or any part of a street, road, highway or alley, or to make any sewer or drain in any part of said city, and to take and appropriate for such purpose any lands or real estate, they are hereby authorized to treat with the owner or owners thereof, and make such compensation therefor as they shall judge reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the city, and such compensation

Council may treat with owners for lands for streets, &c.

And make reasonable compensation therefor.

Compensation shall constitute part of expenses to be assessed.

When for any reason agreement cannot be made, city assessors shall assess damages.

shall constitute a part of the whole amount of costs, damages and expenses to be assessed under and in pursuance of the provisions contained in this act.

51. *And be it enacted*, That when the said common council cannot agree with the owner or owners of such required lands or other real estate for the same, or when by reason of the legal incapacity or absence of any such owner or owners no such agreement can be made, it shall be lawful for the board of city assessors, and they are hereby required upon application in writing of the said common council, signed by their presiding officer, which application shall specify the improvement and the land or other real estate, with the appurtenances intended to be taken for such purpose, to make an estimate and assessment of the damage that any such owner or owners will sustain thereby, and in estimating and assessing such damages the said board of assessors shall have due regard as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owner or owners by the making thereof, and it shall be the duty of the said board of assessors, after estimating said damages, to assess the amount thereof, including the sums which may have been agreed upon as the price of any of the lands or other real estate to be taken for such purpose (where agreement has been made with the owner or owners), and also the costs and expenses incurred, upon all the owners of land and real estate in such city peculiarly benefited thereby in proportion as nearly as may be to the advantage each shall be deemed to acquire, specifying in such assessment such lots or subdivisions of lots, designating the lots and subdivisions of land so benefited by the letters and numbers by which they are distinguished on the city atlas, together with the name of the respective owner or owners thereof, and the amount assessed on each lot, which said assessment shall be embraced in the report of the said board of assessors hereinafter directed to be made; and in case where the common council shall agree with the owner or owners of such lands as to the compensation therefor, the board of city assessors shall make their estimate for damages in accordance therewith.

When agreement is made with owners, assessors shall estimate damages accordingly.

When land is condemned damages shall be assessed first.

52. *And be it enacted*, That in making every assessment required to be made by the provisions of this act when any land or real estate is taken or condemned, the said board of assessors shall first estimate and assess in the manner here-

in required, the damages sustained by the owner or owners of lands and real estate taken therefor; and after having ascertained the amount of such damages they shall declare in their report thereof the cost and expense incurred, which shall include the damages awarded, and they shall thereupon at once proceed to make an estimate and assessment of the benefits conferred by the said improvement, as required herein, and they are hereby authorized to declare the damages awarded and benefits assessed in one report, or they may make their report of the damages and benefits separately, as they may deem best.

Benefits shall then be assessed.

Damages and benefits may be reported separately in same report.

53. *And be it enacted*, That after the filing of any such report, the same shall be, at the next meeting of common council, presented by the city clerk, and the same being ratified by the common council shall be binding and conclusive upon the owner or owners of any such lands and real estate; and the lands condemned for any such improvement shall thereupon be and become the property of the city for the purposes for which the same are condemned; *provided, however*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the said common council or of the said board of assessors in making an estimate and assessment of damages may appeal therefrom to the supreme court of this state within thirty days after the time of the making of the final order of the common council confirming the said report; and the supreme court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury; and the said court shall have power to order an issue framed and proper proceedings to be had for this purpose.

Report when ratified shall be binding and conclusive.

Proviso.

Appeal may be taken to supreme court.

And trial by jury may be ordered.

54. *And be it enacted*, That in case of non-payment on demand of any damages estimated and assessed as aforesaid, with interest, from the date of the confirmation of such assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the said city in an action of debt, with costs, in any court having cognizance thereof; and the said proceedings of the said commissioners and common council or the award of the said jury, as the case may be, shall be conclusive evidence against the defendant; *provided, however*, that where benefits for any such improvement have been assessed against any person or persons en-

Damages may be sued for if not paid.

Proviso.

\*titled to any award of damages, no recovery shall be had of the damages awarded until such benefits have been paid, and it shall be lawful for the said city to offset the benefits so ascertained against the damages so awarded; and if in any case the damages awarded exceed the benefits assessed the balance only shall be recovered; if the benefits assessed exceed the damages awarded, then the excess benefits may be collected in the manner hereinafter provided.

Tender of payment shall be made to owners.

When owner is incapacitated to receive the voucher the treasurer shall file affidavit.

55. *And be it enacted*, That the city treasurer shall, under the direction of the common council, tender and pay to the owner or owners of such land and real estate, if resident in the said city, the amount of such estimate and assessment of damages due to him or them, and if any such owner is not resident in said city, or, upon due inquiry, cannot be found therein, or is a lunatic or idiot or under age, or if for any other lawful cause is incapacitated to receive the same, or if such owner will not receive the same and sign a proper voucher therefor when tendered, then the said treasurer shall make affidavit of such fact and file the same with the city clerk; and the common council shall thereupon direct the amount of such assessment so due as aforesaid to be placed in the city treasury for the use of the person or persons to whom it may be due; and the said moneys so placed in the city treasury shall be paid by such city to the person or persons entitled thereto on demand, but without interest, except from the time demand is made and payment after demand refused.

Assessors shall give notice of meeting to assess benefits.

Persons aggrieved may file objections to report.

Council may return report to assessors.

56. *And be it enacted*, That before making any assessment for benefits against any owner or owners of lands and real estate benefited, the said board of assessors shall give notice in the manner hereinbefore directed of the time and place when and where they will meet for the purpose of considering the same, at which time and place all persons interested therein may be heard, and the said board may adjourn such hearing from time to time until they have completed the consideration thereof and made report thereon as herein directed; and any person who may deem himself aggrieved thereby may present his objections to any such report to the common council of said city at its next stated meeting after the filing of such report; and if the said common council shall refuse to ratify the same it shall be returned by the said common council to the said board of

assessors for further consideration, and so from time to time until such report shall be duly ratified and confirmed.

57 *And be it enacted*, That upon the ratification of any such assessment of benefits, the report thereof shall be transmitted immediately to the officer charged by law with the collection of taxes, and it shall be the duty of such officer thereupon to give notice, in two of the newspapers published in the said city, that such assessment has been duly returned to him for collection; all such assessments shall draw interest from the date of confirmation, at the rate of seven per centum per annum, and, with the costs of collection, shall be and become, from the date of confirmation, a first and paramount lien upon the lands and real estate so assessed, which lien shall remain until such assessment is paid.

Collector shall publish notice of assessment.

Assessments shall draw interest and be first lien until paid.

58. *And be it enacted*, That it shall be the duty of the collector of taxes to whom any such assessments shall have been returned, in addition to the publication of the return thereof to him for collection as herein provided, as far as practicable, to cause a notice to be given to every person assessed of the amount of the assessment so made against him or her, with the costs which have been incurred in the collection of the same and the interest which has accrued thereon; but if, for any reason, such notice is not given to or received by the person or persons assessed, it shall in no way impair the right of the city to collect the assessment so made; in all cases in which assessments so made and returned shall remain unpaid for the space of six months from the date of confirmation, it shall be lawful to collect the same by a sale of the property assessed, and it shall be the duty of the said collector within one year after any such assessment shall have been returned to him, to make sale thereof as herein directed; he shall, before making such sale, make advertisement thereof in two of the newspapers published in said city for the space of four weeks, at least once each week, giving notice of the time and place of sale, together with a description of the lot or tract of land assessed by the letter or number by which it is designated on the city atlas, and specifying the amount of money so assessed, laid out and expended on the same; and he shall at the time and place so designated sell the said land and real estate at public sale for the lowest term of years at which any person will agree to take the same, not exceed-

Collector shall serve personal notice of assessment, etc.

Failure of notice shall not impair right to collect.

Property may be sold to collect assessment.

Advertisement thereof shall first be made.

Mayor shall execute and deliver declaration of sale.

ing fifty years, and pay the assessment with interest thereon, and all other expenses incurred subsequent to the confirmation thereof; and thereupon the mayor of said city, at the request of the common council, and under its corporate seal, shall make, execute and deliver a declaration of sale to the purchaser thereof, and such purchaser, his executors, administrators or assigns, by virtue thereof and under authority of this act, shall lawfully hold and enjoy the said land and real estate, for his and their own proper use, until said term shall be fully completed and ended; and they shall be at liberty to remove therefrom all buildings and improvements they shall erect or place thereon, during the said term, and every such purchaser, his heirs and assigns, shall pay all taxes which shall be lawfully assessed against the said lands and real estate during the said term; *provided, however*, that if the owner of any such lands and real estate, or any person having an estate therein or any mortgagee thereof, shall within six months after such sale pay to the purchaser, his executors, administrators or assigns, the amount of money so paid by him to said city, with the amount paid for any improvement made thereon, and all taxes paid by such purchaser, with interest at the rate of twelve per centum per annum, such owner, or person having an interest therein or mortgagee, as the case may be, shall be entitled to re-enter and repossess the said lands and real estate and hold the same, and have such rights therein as if the said sale had not been made.

Proviso.

Owner or mortgagee may redeem within six months.

Special benefits may be assessed.

Entire expense may be assessed at large.

59. *And be it enacted*, That it shall be lawful for the common council in every case to cause so much of the cost, damage and expense of any public improvement authorized by and made under the authority of this act, as represents the special and peculiar benefit conferred upon the owners of land and real estate benefitted thereby, to be assessed thereon in the manner herein provided, in proportion to the benefit each shall be deemed to acquire, the balance of such cost, damage and expense to be imposed upon and borne by the city and provided for by general taxation; or the said common council may, at its option, provide that the entire expense of any such improvement shall be borne by the city at large, and shall have power, within the limitations herein imposed, to provide therefor by taxation.

60. *And be it enacted*, That it shall be the duty of the common council to establish, by ordinance, the grades of



the several streets and alleys which now are or may hereafter be opened in such city, and it shall not be lawful, after the same shall have been established, to alter the grade of any street or alley except by ordinance, nor shall any such ordinance be passed until the common council shall have caused a notice of such contemplated alteration to be served upon the owners of lots fronting or bordering upon that part of said street or alley, the grade of which is proposed to be altered, or to be published for two weeks in two of the daily papers of such city; which notice shall state the time when the common council will proceed to consider said matter, which time shall not be less than two weeks from the time of serving or first publication of said notice; at the time said matter shall come up for consideration of the common council, all persons interested may appear and be heard by themselves or their counsel for or against the alteration proposed; all changes which such alteration of grade may render necessary in gutters, sidewalks, front fences or other property of any landowner shall be made by the common council at the time of altering such grade, and said common council shall have a right to recover of any land owner who was an applicant for such alteration the expense of making such change in his or her gutter, sidewalk, front fences or other property, together with costs of suit, by an action of debt in any court of competent jurisdiction, in the name of any such city, against such landowner for so much money laid out and expended by them for the use of such owner, and declare generally and give the special matter in evidence.

Street grades established shall not be altered except by ordinance.

Owners of adjoining property shall be notified of proposed alteration and advertisement shall be made.

Persons interested may be heard.

Expense may be recovered of applicant for alteration.

61. *And be it enacted*, That the common council are hereby authorized and empowered to pass and adopt such ordinances, rules and regulations as to said council may seem proper, for regulating, controlling and prescribing the manner in which any sewer or drain constructed by order of said council shall be used, and the manner in which connections therewith from any house, building, yard or other place shall be made, and for the keeping of the same in proper repair, and providing for the costs thereof; and sewers and drains constructed under the provisions of this act shall be constructed in accordance with the maps and surveys made, or hereafter to be made, for that purpose.

Council may regulate use, &c., of sewers.

Sewers shall be constructed according to maps and surveys.

62. *And be it enacted*, That all assessments upon lot owners in said city, which may be made for any purpose

Lots shall be assessed as recorded in city atlas and advertised according to, and register of city surveyor.

When owner's name is unknown lots to be so assessed.

When assessments are set aside new assessment may be made.

When assessments are set aside proceedings may be instituted.

authorized by this act, or to be authorized by law, shall be made upon the lots or subdivisions of lots as they stand recorded on the city atlas ; and in advertising the same for such assessments or for taxes, or in entering liens thereon, it shall be sufficient to describe said lots or subdivisions of lots by the letters and numbers and streets by which they are distinguished on the city atlas, together with the name or names of the owner or owners thereof, as the same appears in the register by the city surveyor ; if in any case the name of the owner or owners is unknown, and cannot be ascertained, such assessments may be made against the lots as so designated, with the declaration that the owner's name is unknown.

63. *And be it enacted*, That whenever, by the judgment of any court wherein any certiorari has been, is or may be brought, or any assessment made under the provisions of this act has been or is set aside or reversed for irregularity or informality in such assessment, it shall be lawful for the common council to cause a new assessment to be made of so much of the amount of the original assessment as may be so set aside, or of the amount thereof still remaining unpaid, to become a lien as of the date of the confirmation of the original assessment, and to be proceeded with in all respects in conformity with the provisions of this act and the laws relating thereto.

64. *And be it enacted*, That whenever, by reason of any informality or illegality in any proceedings of the said common council or of the board of city assessors, surveyor or other agent of the common council or official of the city, in laying out, opening, altering, widening or closing streets, avenues or public squares, or in grading, altering the grade, paving, curbing, guttering and flagging the sidewalks of any street or avenue, or constructing any sewer or drain, any assessment shall be set aside by judicial authority, it shall be lawful for the common council to reinstitute the proceedings set aside, upon the same basis upon which the original proceedings were based, or otherwise if they see fit so to do, and lawfully proceed therein the same as though the former proceedings had not been had, or the said common council may reinstitute said proceedings from the point where such informality or illegality may have been so decreed, and whenever the common council shall discover that any such proceedings are liable to be set aside by judicial authority,

they may reinstitute said proceedings from the point where such informality or illegality commences, and no assessment shall be deemed invalid in consequence thereof, but no writ of certiorari shall be allowed or issue to remove any assessments made upon the owner or owners of lands and real estate for any work or improvement made or to be made, unless the same be applied for within sixty days after the confirmation of such assessment by the common council of such city.

Limitation of application for certiorari to remove assessments.

65. *And be it enacted*, That whenever any public improvement shall be made, or ordered to be made, and the expenses thereof ordered to be assessed by the board of city assessors, and if any member of the board of city assessors shall be interested in said improvement, either as an owner of property to be taken or to be assessed, or in any other way, except merely as a taxpayer in said city, such assessor shall not be deemed competent to assist in making the assessment connected with such improvement, but the common council shall, by a majority vote of all its members, elect some disinterested resident in said city to act with the remaining members of the board of assessors in making said assessments; such person, before entering upon his said duties, shall take and subscribe an oath or affirmation before the city clerk, to be filed by him, faithfully and honestly to perform said duties; no report of assessment shall be considered illegal in consequence of the incompetency of any of the persons making such report, if a majority of the persons making such assessments were competent and disinterested; and it shall be lawful for the common council to make such reasonable compensation for the services of any person so appointed to fill such vacancy as it may determine.

Member of board of assessors shall not be interested in any public improvement.

Disinterested shall be elected

Report shall be lawful if majority is competent and disinterested.

Person appointed to fill vacancy shall be compensated.

66. *And be it enacted*, That it shall be lawful, whenever the common council shall deem it necessary, and for the public good, to purchase or condemn the plant, property and franchises of any person or corporation used for the purpose of supplying any city or the inhabitants thereof with gas, electric or other light, or with water, or for the removal and disposition of the sewage thereof; and if, under the authority conferred in this section, any plant, property or franchise used for any or either of the purposes herein specified shall be condemned, the method of procedure for this purpose shall conform to and be regulated

Council may purchase or condemn gas, electric light, water or sewer plant.

by the provisions of an act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, one thousand eight hundred and seventy six, and the supplements thereto.

## PUBLIC BUILDINGS.

Council may erect suitable public buildings.

May purchase or condemn land for that purpose.

67. *And be it enacted*, That if in any city of this state there are not public buildings, the property of the city, suitable and proper to accommodate the different officers and departments of the municipal government, and for public and municipal uses, it shall and may be lawful for the common council of such city, by ordinance, to provide for the erection and construction of any and all such buildings, and to purchase, appropriate and condemn suitable lands and real estate therefor, and to suitably furnish and equip the same.

Proceedings, how taken.

68. *And be it enacted*, That if it shall be found proper and necessary to condemn any lands for any of the purposes mentioned in the foregoing section, authority is hereby given to the common council of such city so to do; and the method of procedure in every such case shall conform to and be the same provided for in the act entitled "An act to empower cities to acquire land for public use by condemnation," approved March seventeenth, one thousand eight hundred and ninety-one, constituting chapter one hundred and four of the session laws of one thousand eight hundred and ninety-one

## BONDS.

May issue bonds under certain conditions.

69. *And be it enacted*, That it shall be lawful for the common council, in the name of the city, to issue its corporate bonds for any sum not exceeding twelve per centum of the taxable value of the property rated for assessment; and such obligations shall be issued in the name of the city and under its corporate seal, and shall be signed by the mayor and attested by the city clerk and countersigned by the city treasurer; they shall be of such denomination and bear interest at such rate, not exceeding five per centum per annum, and be payable at such times and place, not exceeding thirty-five years from the date of issue, as the common council may determine; they shall be disposed of at not less than their par value; the proceedings of such securities

may be used for the purpose of making any of the improvements authorized by this act and for other lawful purposes; *provided*, that no issue of bonds exceeding the sum of ten thousand dollars at any one time shall be made without the concurrence of two-thirds of all the members of council; in every instance the issue of bonds shall be authorized by ordinance, and the purpose for which the bonds are to be used shall be expressed therein, and the proceeds thereof shall be used for no other purpose; whenever bonds are issued to provide funds for any of the purposes authorized by this act, any part of the costs and expenses of which is authorized to be assessed upon the property benefited; the assessment for benefits in every such case shall be exclusively appropriated for the redemption of the bonds so issued, and shall be kept separate from the other funds of such city and devoted exclusively to this use; and it shall be the duty of the common council to provide by taxation in the annual tax levy of such city, such sum, in addition to the benefits so assessed, as will be sufficient in every case to provide for the annual interest of the bonds so issued and a sinking fund for the redemption thereof, which shall not be less than two per centum of the amount so issued.

*Proviso.*

Money raised by tax for purposes of this act shall be kept separate.

70. *And be it enacted*, That the mayor, comptroller and the city treasurer and the city solicitor, ex officio, shall constitute a board of commissioners whose duty it shall be to take charge of the sinking fund of such city, and shall have power to make investments thereof from time to time, and to pay therefrom the obligations of the said city for which such fund is provided, as they may mature and the interest thereon as it falls due; they shall annually report to the common council the condition of the funds under their charge and the investment thereof; and the common council shall have the power to direct the manner in which such investment shall be made.

Cow missioners of sinking fund constituted.

Powers and duties of.

71. *And be it enacted*, That it shall be lawful for the common council of such city to make temporary loans for a period not exceeding, with any renewals thereof, two years, which loans shall only be in anticipation of city taxes and of assessments for laying out and opening; straightening, altering or widening any street, road, highway or alley, and for the construction of sewers and drains, and the regulating, grading and paving of streets and sidewalks, and for fees

Council may make temporary loans in anticipation of taxes on assessments.

imposed for licenses, and shall not exceed the amount of such anticipated assessments, taxes and license fees ; and all such temporary loans shall be retired and paid when the revenues anticipated are received and it shall be lawful to appropriate and use the moneys so obtained on temporary loans in anticipation of revenues for city purposes ; and all moneys so appropriated and used shall be provided for in the annual tax levy.

Clerk shall  
keep record of  
bonds.

72. *And be it enacted*, That whenever any bonds shall be issued under the authority of this act it shall be the duty of the city clerk and the city treasurer, under the direction of the common council and subject to such regulations as may be made by the common council in relation thereto, to keep an account of all such bonds in proper books, with the numbers, dates and amounts thereof, when redeemable, the place of redemption, the place where interest shall be paid and when payable, with the title of the ordinance authorizing the same and the names of the person or persons to whom the same shall be issued ; and they shall supervise the negotiation thereof, and shall make report thereof to the common council from time to time and whenever required so to do ; and it shall be the duty of the city clerk to furnish to the commissioners of the sinking fund a statement showing the amount of every such issue and all the particulars herein required to be recorded, as soon as the bonds authorized in any case shall have been disposed of.

And shall furnish  
statement  
thereof to sinking  
fund commissioners.

#### COMP. ROLLER.

May establish  
office of comptroller.

73. *And be it enacted*, That it shall be lawful in any such city to create and establish the office of comptroller whenever the common council thereof shall by the passage of an ordinance determine so to do, which ordinance shall define the duties of such officer in conformity with the provisions of this act.

Who shall be  
elected for  
three years.

74. *And be it enacted*, That when such office shall be established therein by an ordinance therefor, the common council of such city, at its first stated meeting after the passage of such ordinance, and the approval thereof, shall elect some suitable person, a resident of such city, to serve therein ; and the person so elected shall hold his office for the term of three years, and until his successor is in like manner elected and has qualified.

75. *And be it enacted*, That the officer, before entering upon the duties of his office, shall take and subscribe, before any officer authorized to administer oaths and affirmations in this state, an oath or affirmation faithfully to execute the duties of his office to the best of his knowledge, skill and ability, which oath or affirmation shall be filed in the office of the city clerk of such city; and he shall give a good and sufficient bond for the faithful performance of the duties of his office in such sum as the common council electing him shall direct, which shall be approved by the common council, and he shall receive as compensation for his services such salary as the common council of such city shall prescribe.

Shall subscribe  
oath of office,

And give bond.

76. *And be it enacted*, That it shall be the duty of such officer to sign all warrants on the city treasury, to superintend all fiscal concerns of the city in such manner, and to report thereon at such times as the common council shall by ordinance direct; to keep separate accounts of all appropriations made by the common council to each and every department of the city government, and to require all warrants on the treasury to state particularly against which appropriation the said warrant is drawn; the said officer, on receiving a bill or warrant, shall examine the same, and if it be for any purpose for which there is no appropriation, or the appropriation for which is exhausted, or to which for any other cause he cannot give his approval, he shall report the fact to the common council, and the warrant in such case shall not be signed except by special authority from or direction by the common council; he shall, upon the death, resignation, removal or expiration of the term of office of any officer or person who by law may be authorized to receive or disburse the moneys of such city for which said comptroller is acting as aforesaid, audit and examine the accounts of such officer or person and report the condition of his business to the common council; he shall, before the payment of any warrant against such city, first audit the bill containing or making up such claim, with a view to ascertain whether the supplies charged to said city, or the services alleged to have been rendered, have been furnished and rendered as stated, and whether the sum or sums demanded therefor are proper, and after so auditing shall return said bill to the officer or department having control of the appropriations against which said claim is made and

Powers and duties of city  
comptroller.

against which the warrant is to be drawn ; he shall, as often as he may deem necessary, or as the common council may require, suggest plans to the said common council for the improvement, advantage and better management of the finances of such city ; he shall have control of the fiscal concerns of all departments and officers of the city, and may require at any time, from any and all of its departments and officers, a full exhibit of their business and a statement and account, in writing, of any or all moneys and property of said city within the control or in the hands of said department and offices, and the said comptroller shall immediately, in case of any default, delinquency or official misconduct report the same to the common council ; and in order that he may fulfill his duties and make complete audits of the account, he shall have power, whenever he shall see fit, to examine all books, papers and vouchers pertaining to any and all departments of the city's business, and shall have free and unrestrained access to them for the purposes aforesaid ; and the said officer shall also be authorized, whenever in his judgment the interests of the city shall require, to examine, under oath, any person presenting a bill or claim against such city for the payment of moneys ; and also to examine witnesses and to investigate, by other evidence and inquiry, all facts relating to such claim which, in his opinion, are necessary to establish the accuracy and good faith of such claim, and to ascertain the city's liability therefor ; that it shall be deemed a misdemeanor for such officer to sign any warrant or order, or otherwise procure the payment of any money from the city treasury not authorized by law.

## POLICE COURTS.

Police court  
shall be con-  
stituted.

Shall have  
powers, &c.,  
of justices of  
peace.

Exceptions.

77. *And be it enacted*, That there shall be constituted in every city a court to be called "the city police court" (inserting the name of each city), which shall have power, authority and jurisdiction as follows : the said court shall have, possess and exercise all the jurisdiction, powers and authority in civil and criminal matters which are or may be conferred upon justices of the peace in and for the several counties of this state, excepting such as are conferred on such justices of the peace by the following acts : an act



entitled "An act constituting courts for the trial of small causes," approved March twenty-fourth, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act for the relief of creditors against absconding and absent debtors," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six, and the various supplements thereto; and an act entitled "An act to increase the jurisdiction to justices of the peace," approved March twelfth, one thousand eight hundred and seventy-nine, which jurisdiction shall, within the corporate limits of said city, be exclusive of all other courts, judges and magistrates, excepting the courts of oyer and terminer and general jail deliveries, quarter sessions, and special sessions of the counties of this state, and the judges thereof; and the said court shall have exclusive jurisdiction for the purpose of enforcing and recovering any penalty for the violation of any ordinance, by-law or regulation of said city, or any board thereof, and is hereby empowered, on oath or affirmation made according to law, that any person or persons has or have been guilty of any violation of any of the ordinances or regulations of said city, or any board thereof, to issue process at the suit of said city, either in the nature of a summons or warrant, as to the police justice thereof shall seem most advisable, against the person or persons, corporation or corporations so violating such ordinance or regulation, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than two nor more than fifteen days; such process shall state what ordinance or regulation has been violated by the defendant or defendants named therein, and on the return of such process, or at the time to which the matter shall have been adjourned, the said police justice shall proceed to hear testimony, and to determine and give judgment in the matter without the filing of any pleadings; and such police justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels or body of

Shall have power to enforce city ordinances.

May give judgment without the filing of pleadings.

May issue executions against persons or property.

May impose fines.

Proviso.

Proviso.

Police justice shall keep docket and record of proceedings.

And file necessary papers.

the defendant or defendants, which execution shall be executed and returned as near as may be in the manner in which executions are now by law issued and returned in courts for the trial of small causes; such police justice is further empowered to inflict and impose fines not exceeding the sum of fifty dollars on such person as shall be brought before him charged with disorderly conduct, or breach of the peace, if found guilty; or, in his discretion, to order such person committed to the city prison or county jail for any period not exceeding ninety days; *provided*, that in all cases where the penalty shall exceed twenty dollars, an appeal may be taken in the same manner as an appeal might be had from judgments in courts for the trial of small causes; and such judge is hereby empowered to cause any person or persons who shall be found guilty of the violation of any ordinance or regulation of said city or any board thereof, and any person or persons found guilty of disorderly conduct, breach of the peace, or any other offence within his jurisdiction, and who may refuse to pay any fine or penalty imposed by him by reason of the same to be sent to the city prison or county jail, for a term consisting of one day for every dollar of such fine or penalty, and each day's imprisonment of the defendant or defendants shall be taken to satisfy one dollar of such fine or penalty; the said court shall also have jurisdiction to try and determine all cases of simple assault and battery and petty larceny, where the offence is committed in the corporate limits of the city in which the court is established; *provided*, that the person or persons charged with any such offence shall, in writing, waive indictment and trial by jury.

78. *And be it enacted*, That the said police justice shall keep a docket of the proceedings in such court, which docket shall contain the names of the parties and a record of all the proceedings in every case excepting the evidence given; this docket shall be the property of the said city and shall be kept in the court room, subject to the inspection of all persons lawfully entitled thereto; and all papers in every case (excepting complaints and recognizances required by law to be delivered to the prosecutor of the pleas of the county or grand jury) shall be filed and remain in said court: and no conviction other than the record in said docket shall be necessary in any case.

79. *And be it enacted*, That the common council shall have

power by a majority vote of all its members, to appoint a police justice of said court, who shall hold his office for the term of two years, and until his successor has been in like manner appointed; every such officer shall, before he enters upon the discharge of his duties, take and subscribe, before some person authorized to administer oaths, an oath faithfully and impartially to execute the duties imposed upon him by law, according to the best of his skill and ability; and shall enter into bond to the said city, in its corporate name, in such sum and with such sureties as the common council may approve, conditioned for duly accounting to the proper authorities for all moneys that may come to his hands as such officer, and for the payment of the same on demand to the person or persons entitled to receive the same.

Council shall  
appoint police  
justice.

Police justice  
shall subscribe  
oath and give  
bond.

80. *And be it enacted*, That the officers empowered to serve any process issued by any such police justice shall be, besides the constables elected or appointed in such city, the officers or members of the police force of such city; and such process shall be returned in the same manner, as far as circumstances shall permit, as similar processes shall be out of courts for the trial of small causes or before a justice of the peace; and that such defendant or defendants shall, if such police justice see fit to adjourn the hearing of the charge, and so order, enter into recognizance as near as may be in the same manner directed in courts for the trial of small causes, or before a justice of the peace, in such sum, and with such surety as may be approved by such justice; such recognizance to be given to such city for the appearance of the said defendant or defendants on the day to which said hearing may be adjourned; and in default of appearance the said recognizance may then be collected in the same manner as it might have been had the said recognizance been taken in a proceeding in a court for the trial of small causes, or before a justice of the peace; if a commitment shall be issued when the defendant is not in custody, it shall be lawful for such defendant to be taken into custody under such commitment in the same manner as under a warrant; and to be delivered to the keeper of the city or county jail, as directed in such commitment.

Police may  
serve process

How returns  
shall be made

Hearings may  
be adjourned.

Defendant  
shall give secu-  
rity for appear-  
ance.

Defendant  
may be com-  
mitted to jail.

81. *And be it enacted*, That in any proceeding had before such police justice for recovering the penalty for the violation of any ordinance or regulation of such city or any board thereof, such ordinance may be proved by a copy

Ordinances  
may be proved  
by certified  
copy.

Due publication shall be presumed.

Rooms, furniture, &c., shall be provided for police court.

Council shall specify time and place for holding court.

Shall be a court of record with seal.

May punish for contempt and make rules.

Shall pay over fines and penalties daily.

Shall report moneys received whenever required.

thereof certified under the seal of the city clerk, or by the introduction in evidence of any compilation of the ordinances of such city or any public board of such city duly authorized and recognized as the ordinances of the same; and due publication of all ordinances or regulations of any public board of such city shall be presumed to have been made until the contrary is proven,

82. *And be it enacted*, That the common council of such city where a police court is established shall provide a suitable room or rooms for the transaction of the business of such court and procure suitable furniture therefor, and such books and stationery as may be necessary; and such common council shall designate the place in said city where such police justice shall sit for the transaction of business, and the time during which said court shall be open on each day, to the end that the administration of justice by such police justice throughout such city may be facilitated and made convenient; and it is hereby made the official duty of such justice to be in attendance at the time and place so designated; and the said common council shall designate and provide the police officer or officers to attend the sittings of such court and preserve order therein.

83. *And be it enacted*, That such police court shall be a court of record and shall have an official seal, and all persons shall be amenable to punishment for contempt of said court in the same manner as other courts of record in this state having power to punish for contempt of court; and such police justice may make such rules as may be necessary for the orderly conduct of business and proceedings in such court; such rules shall be approved by and subject to revision by the president judge of the court of common pleas of the county in which such city is situate.

84. *And be it enacted*, That such police justice shall pay over daily to the treasurer of such city, for the use of such city, all fees, fines, penalties and costs which he may receive for the violation of ordinances and other offenses whereof complaint is made before him, and the receipt of such treasurer therefor shall, on the payment thereof, be a sufficient discharge for the same.

85. *And be it enacted*, That such police justice shall, whenever required by the common council, make a report in writing of the moneys received by him as such police justice, not before reported, for fines, penalties and costs of suit, when

and from whom, and for the violation of what ordinance or ordinances received, and what judgments remain unpaid; and when such written report shall have been audited by the comptroller of such city, said police justice shall, without delay, pay over to the treasurer of such city all moneys thereby appearing to be due from such police justice, taking the receipt of such treasurer for the amount so paid.

## MISCELLANEOUS.

86. *And be it enacted*, That all laws in force in any city of this state not inconsistent with or repugnant to the provisions of this act shall remain and continue in force, and all powers conferred and duties imposed thereby upon the governing body or any municipal officer thereof shall apply to and be conferred upon all boards and bodies hereby created and officers to be elected or appointed under the authority of this act having like or corresponding powers and duties.

All laws not repugnant to this act to remain in force and all powers conferred upon officers, &c., shall apply.

87. *And be it enacted*, That this act shall take effect immediately, but its provisions shall remain inoperative in any city of this state until assented to by a majority of the legal voters thereof voting at an election to be held in such city, at any time to be fixed by the common council of such city, or other legislative body of such city, of which the city clerk of such city shall cause public notice of the time and place of holding the same to be given by advertisements signed by himself, and set up in at least twenty public places in such city, and published in two or more daily newspapers printed therein, for at least six days previous to the day of such election; and said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed or partly written, on which shall be either the words "For the adoption for this city of the provisions of an act entitled 'An act relating to and regulating the government of cities,'" or "Against the adoption for this city of the provisions of an act entitled 'An act relating to and regulating the government of cities;'" that the polls for such election shall be held at the usual place of holding the annual charter election in such city, and shall be opened at six o'clock in the forenoon and closed at seven o'clock in the afternoon, and such election shall be conducted by the proper election officers of such city, for the time then being, and in the manner as may then be

Act to remain inoperative until assented to by a majority at an election.

Clerk shall post notices and advertise in newspapers.

Shall furnish ballots.

Polls shall be held at usual places. When opened and closed.

Shall be conducted by city election officers.

Result shall be certified to council.  
If adopted law shall be binding.

prescribed by the law regulating elections therein, and such officers shall return to the common council or other legislative body of such city, a true and correct statement in writing, under their hand, of the result of said election, the same to be entered at large upon the minutes of said body; and upon such adoption, and not otherwise, this act shall in all respects be and become operative in such city and binding on the inhabitants thereof, and upon all persons and property to be affected thereby, and shall abrogate, repeal and annul all acts and parts of acts now existing, whether general or special, in any wise affecting the government of such city, which are contrary to or inconsistent with the provisions of this act.

Approved April 24, 1894.

### CHAPTER LXIII.

An Act relating to acknowledgments or proofs of deeds, mortgages, certificates and other instruments requiring to be proved or acknowledged, as required of deeds of real estate taken before foreign commissioners of deeds for New Jersey.

Acknowledgment or proof taken before foreign commissioner shall be valid.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That any acknowledgment or proof of any deed, mortgage, certificate of incorporation or other instrument required to be proved or acknowledged, as in case of deeds of conveyance of real estate heretofore taken before any foreign commissioner of deeds for New Jersey, shall be valid and effectual, although it may not appear by the certificate of acknowledgment or proof of any such deed, mortgage, certificate or other instrument, that the same was, in fact, taken in the state, territory or district where the commissioner who took such acknowledgment or proof resided; *provided*, that such certificate or acknowledgment or proofs is in other respects in the customary and proper form; and that this act shall take effect immediately.

Provide.

Approved April 24, 1894.

## CHAPTER LXIV.

A Further Supplement to the "Act respecting conveyances" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the deputy surrogate in any county of this state be and he hereby is authorized, during his continuance in office, to perform all the duties and exercise all the powers belonging to the office of commissioner for taking the acknowledgment and proofs of deeds; and which deputy surrogate, upon taking any acknowledgment and proof by virtue of the powers conferred by this act, shall affix to his signature the words "deputy surrogate."

Deputy surrogate authorized to perform duties and exercise powers of commissioner of deeds.

2. *And be it enacted*, That that this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER LXV.

A Supplement to an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fees and taxes required by law to be paid to the secretary of state on filing in the department of state any certificate or other paper relative to corporations, shall not apply to or be collected from incorporated religious or charitable societies or associations; and all certificates or other papers relative to such societies

Religious and charitable corporations may file certificates &c., in office of secretary of state without payment of fee or tax.

or associations may be filed in the department of state without the payment of any fee or tax.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER LXVI.

An act to provide for the completion of certain improvements upon the grounds of the State Normal School and for the alteration of the present buildings thereon and the purchase of additional furniture and apparatus for said school.

State board of education authorized to procure furniture, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the state board of education be, and they hereby are, authorized to procure additional furniture and apparatus for the state normal school, and to make such alterations in the present buildings as, in the judgment of said board, may be necessary and requisite for carrying out the purposes of the said school.

Furnishing, &c. shall be done by contract.

2. *And be it enacted*, That the furnishing and the alterations of said buildings shall be done by contract or otherwise, as the state board of education shall deem for the best

May employ architects, &c.

interest of the state; and said board shall have power to employ architects, superintendents and mechanics, to advertise for proposals, to make a contract or contracts for the

And complete all contracts.

whole or any part of said work, to fulfill and complete all contracts heretofore made, and to discharge all liabilities and charges heretofore incurred for erecting new buildings and making alterations in the present buildings, and to incur all necessary expenses to carry out the provisions of this

Appropriation.

act; and for these purposes the sum of ten thousand dollars, or so much thereof as may be necessary, in addition to the appropriation for the state normal school now authorized by law, is hereby appropriated from the income of the state school fund, the same to be paid by the treasurer of the state, on a warrant of the comptroller, from time to time, as payment shall become due, said payments to be

Treasurer shall pay on warrant of comptroller.



made upon proper vouchers approved and duly certified by the said board, or such officers thereof as may have been, or may be, designated for that purpose.

2. *And be it enacted*, That the said board shall make to the legislature, at its next session, a full and detailed report of their proceedings and expenditures under this act. Board shall make report to legislature.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER LXVII.

A Supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh one thousand eight hundred and seventy-four.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the common or public schools, and shall be studied and taught as thoroughly and in the same manner as other like required branches, with adequate tests of the efficiency of the teaching by the use of graded text-books in the hands of pupils where other branches are thus studied, and orally only in the case of pupils unable to read, and by all pupils in all grades of all schools supported wholly or in part by public money. Public schools shall teach nature and effects of alcoholic drinks.

2. *And be it enacted*, That the space in the text-books devoted to the consideration of the nature of alcoholic drinks and narcotics and their effects upon the human system shall be sufficient for a full and adequate treatment of the subject. Text book used shall treat subject fully.

3. *And be it enacted*, That no certificate shall be granted

Teachers shall pass satisfactory examination on subject.

to any person to teach in the public schools of New Jersey after January first next, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the nature of alcoholic drinks and other narcotics and their effects upon the human system.

Districts shall adopt graded series of text books on

3. *And be it enacted*, That in order to carry into effect the provisions of this supplement each district shall, in the manner now provided by law, on or before the first day of July next, adopt a graded series of text books in accordance with the provisions of this supplement

State superintendent shall notify school boards.

5. *And be it enacted*, That the state superintendent of public instruction shall, immediately after the passage of this supplement, notify all boards of education, boards of school trustees, or other bodies having charge and control of public schools, of the provisions of this supplement, and particularly call their attention to their duty in enforcing the same.

City and county superintendents shall report on to state superintendent.

6. *And be it enacted*, That it shall be the duty of all city and county superintendents to report to the state superintendent of public instruction whether the provisions of this act have been complied with, as specified in the preceding sections ; and any refusal thus reported, or otherwise satisfactorily proven, shall be deemed sufficient cause for withholding the state appropriation of school money from such district or districts until such district or districts have fully complied with the provisions of this supplement.

State appropriation shall be withheld in case of refusal to report.

Act applies to all schools in the state.

7. *And be it enacted*, That this act shall apply to all schools in this state supported wholly or in part by money received from the state, whether such schools are governed by the act to which this is a supplement or by any special law, or the provisions contained in the charter of any city, town, borough or other municipality, and that this act shall take effect at the beginning of the next school year.

Approved April 24, 1894.

## CHAPTER LXVIII

**A** Further Supplement to an act entitled "An act to provide for the purchase of sites for and the erection and equipment of armories in cities of the first and second class and making appropriations therefor, and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement," approved March twenty-third, one thousand eight hundred and eighty-eight.

**WHEREAS**, By the eighth section of the act to which this Preamble. is a supplement it was provided as follows: "That for the payment of any expenditures herein authorized, the comptroller of the treasury shall draw his warrants on the treasury, and the state treasurer shall pay the same from time to time as the said commission shall certify to the comptroller to be necessary and to such persons as they may designate, but not more than one hundred thousand dollars shall be drawn from the state treasury in any one year for the purposes aforesaid; *and whereas*, by reason of delays in procuring sites and other preparations for erecting armories under the provisions of said act no contracts were entered into by the commission constituted by said act until the year one thousand eight hundred and ninety-three, when a contract for the erection of an armory in Jersey City was entered into, and the said commission is now about to enter into a contract for the erection of an armory in the city of Paterson; *and whereas* it is desirable to make certain changes and alterations in the present plan and design for the erection and completion of the said armory in Jersey City, which will involve the making of a supplemental contract therefor;" *and whereas*, the limitation contained in section eight of the said act as above quoted will prevent, unless modified, the prosecution of the erection of the said two armories at the same time; therefore,

1. **BE IT ENACTED** by the Senate and General Assembly of the

Appropriation  
for Jersey City  
armory.

Appropriation  
for Paterson  
armory.

Repealer.

*State of New Jersey*, That there is hereby appropriated for the purpose of the erection and completion of the said armory in Jersey City, the sum of one hundred and thirty-five thousand dollars in addition to the amount, that at the date of the approval of this act, may have been paid and disbursed therefor or so much thereof as may be required to meet the payments due or to grow due on the existing contract therefor or any supplemental contract for the erection and completion thereof, involving said changes and alterations, that may be made and entered into by the state military board; which amount or amounts may be paid during the year one thousand eight hundred and ninety-four or subsequently; and that for the purpose of erecting and completing an armory in the city of Paterson there is hereby appropriated the sum of one hundred and thirty-five thousand dollars, or so much thereof, as may be required by the exigencies of the contract to be entered into, which amount may be paid from the treasury during the year one thousand eight hundred and ninety-five; and so much of the act to which this is a supplement as is inconsistent with the provisions of this act be and the same is hereby repealed.

2. *And be it enacted*, That this act take effect immediately.  
Approved April 24, 1894.

## CHAPTER LXIX.

An Act in relation to the inspector-general's department of the national guard.

General  
Kearny placed  
on retired list.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Watts Kearny, formerly an officer of the national guard of this state, who resigned his office as inspector-general December twentieth, one thousand eight hundred and eighty-nine, be and he is hereby placed on the retired list of the national guard with his former rank of brigadier-general.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER LXXI.

A Supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the lands under water belonging to this state be and the same hereby are irrevocably appropriated for the support of free schools in this state, and that all moneys hereafter received from the sales and rentals of such lands under water belonging to this state, shall be paid over to the trustees of the school fund, and appropriated for the support of free public schools, and shall be held by them in trust for that purpose, and shall be invested by the treasurer of the state, under their direction, in the same manner as the funds now held by them are invested, the same to constitute a part of the permanent school fund of the state, and the interest thereof to be applied to the support of public schools in the mode which now is, or may hereafter be directed by law, and to no other purpose whatever.

Sales of riparian lands appropriated to support of public schools.

Treasurer shall invest the money.

Interest shall be applied to support of public schools.

2. *And be it enacted*, That all leases which have been made by this state or any board or officer of this state, in pursuance of the provisions of an act entitled "An act to provide for the use of the proceeds of riparian sales, grants and leases," approved March nineteenth, one thousand eight hundred and ninety, of lands belonging to the state now or formerly lying under water, be and the same hereby are transferred to the trustees of the school fund of this state, to become a portion of the free school fund, and that the income arising from such leases shall be distributed by the said trustees for the support of free public schools in the same manner that other moneys are now distributed for that purpose.

All leases transferred to trustees of state school fund.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER LXXII.

A Further Supplement to an act entitled "An act to complete the geological survey of the state," approved March thirtieth, one thousand eight hundred and sixty-four.

Number of  
members of  
board in-  
creased.

Proviso.

Former sup-  
plement re-  
pealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of managers created by section four of said act are hereby authorized to increase the number of their members so that there shall be two members representing each congressional district as at present constituted, or as they may be hereafter established, besides the governor of the state who shall be president of the board ; *provided*, that all members of the board now in office shall remain in office the same as if appointed under the present act, and shall represent the districts from which they were respectively appointed, and the board thus constituted shall have and exercise all the powers heretofore conferred by law upon the board of managers.

2. *And be it enacted*, That the further supplement to said act which was approved March twenty third, one thousand eight hundred and ninety-two, and which is known as chapter one hundred and eighteen of the laws of the year one thousand eight hundred and ninety-two, be and the same is hereby repealed and that this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER LXXIII.

A Supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any school district in this state where the school trustees, commissioners, board of education or other body having charge of the public schools of such district are elected by ballot at a special election held for school purposes only, by virtue of any general or special law or charter for such district, the trustees, commissioners, board of education or other body having charge or control of the public schools of such district, shall have the power and it shall be their duty to designate, in the notice calling such meeting for the election of such officers, the time for opening and closing the polls for such election.

*And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall be a public act and take effect immediately.

Board in control of public schools shall designate time for opening and closing polls for election of district officers.  
Repealer.

Approved April 24, 1894.

## CHAPTER LXXIV.

A Supplement to the act entitled "An act to regulate the practice of courts of law" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if in any action upon contract the defendant shall file with the clerk of the court in which such action is pending an "affidavit of merits," according to the terms of the supplement to the act to regulate the practice of courts of law, approved May third, one thousand eight hundred and eighty-nine, it shall not be necessary for such defendant to file with his plea or demurrer the affidavit mentioned in the one hundred and fourteenth section of the act to which this is a supplement.

When in action upon contract defendant shall file affidavit of merits, other affidavit not necessary.

Approved April 24, 1894.

## CHAPTER LXXV.

An Act to abolish public road boards in counties of this state, and to transfer to and vesting in the board of chosen freeholders in and for the counties in which such public road boards may now exist all the powers and property now vested in and belonging to such public road board.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first Tuesday of May, one thousand eight hundred and ninety-four, the board of chosen freeholders in and for any county in this state in which any county public road board having charge of public roads may now exist shall be vested with,

Powers and duties of county road boards vested in boards of chosen freeholders.



possess, and be subject to all the powers, rights, authority and duties which are now by law vested in or imposed upon such public road board.

2. *And be it enacted*, That all county public road boards having charge of public roads shall, on the first Tuesday in May, one thousand eight hundred and ninety-four, be abolished, and all powers vested in such road boards and all property, books and papers belonging to it shall be transferred to and vested in and become the property of the board of chosen freeholders in and for the county in which any such public road board may now exist. County road boards abolished.

3. *And be it enacted*, That the terms of office of the members of the said public road board shall, on the thirtieth day of April, one thousand eight hundred and ninety-four, cease and be terminated, notwithstanding the members thereof may have been appointed or elected for a term extending beyond said date, and the salary or compensation of such members shall be so apportioned that they shall receive compensation for services rendered up to said date only. Members shall receive compensation to date only.

4. *And be it enacted*, That the board of chosen freeholders in and for any county in which any public road board may now exist shall have full power and authority to fulfill, perform and carry out according to law any and all contracts and agreements and obligations theretofore lawfully made and entered into by any such public road board; and no suit or proceeding by or against any such public road board, and no proceeding or application for any public improvement shall abate or be discontinued by reason of the passage of this act, but shall proceed and continue according to law. Chosen freeholders shall carry out all lawful contracts and agreements. No suit or other proceeding shall be abated.

5. *And be it enacted*, That all laws or parts of laws, general, special, local or private, now in force, regarding any such public road board shall apply to the board of chosen freeholders in and for the county in which any such public road board shall exist, and such board of chosen freeholders shall be solely vested with all the powers, duties, rights and authorities which are now by law vested and conferred upon any such public road board. Laws and parts of laws relative to road boards shall apply to chosen freeholders.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER LXXVI.

An Act to abolish public road boards in counties of this state and to transfer to and vest in the board of chosen freeholders in and for the counties in which such public road boards may now exist, all the powers, rights and property now vested in and belonging to such public road boards.

Board of  
chosen free-  
holders vested  
with powers  
and duties, &c.  
of public road  
boards.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That from and after the first Tuesday of May, one thousand eight hundred and ninety-four, the board of chosen freeholders in and for any county in this state in which any county public road board having charge of public roads may now exist, shall be vested with, possess and be subject to all the powers, rights, authority and duties which are now by law vested in or imposed upon such public road board.

County road  
boards  
abolished.

2. *And be it enacted*, That all county public road boards having charge of public roads shall, on the first Tuesday in May, one thousand eight hundred and ninety-four, be and the same are hereby abolished, and all powers vested in such road boards and all property, books, papers, rights, leases, titles and assessment liens belonging to or vested in such boards or under their control shall be transferred to and vested in and become the property of the board of chosen freeholders in and for the county in which any such public road board may now exist.

Members of  
road boards  
shall receive  
compensation  
to date only.

3. *And be it enacted*, That the terms of office of the members of the said public road board shall, on the thirtieth day of April, one thousand eight hundred and ninety-four, cease and be terminated, notwithstanding the members thereof may have been appointed or elected for a term extending beyond said date, and the salary or compensation of such members shall be apportioned so that they shall receive compensation for services rendered at the rate now allowed up to said date only.

4. *And be it enacted*, That the terms of office of all officers

and employees of the said public road boards shall, on the thirtieth day of April, one thousand eight hundred and ninety-four, cease and be determined, notwithstanding such officers or employees may have been appointed for a term extending beyond that said date ; and the salary or compensation of such officers or employees shall be so apportioned that they shall receive compensation for services rendered up to the said date only, and at the rate now paid.

Officers and employees shall receive compensation to date only.

5. *And be it enacted*, That the board of chosen freeholders in and for any county in which any public road board may now exist shall have full power and authority to fulfill, perform and carry out according to law any and all contracts and agreements and obligations theretofore lawfully made and entered into by any such public road board ; and no suit or proceeding by or against any such public road board, and no proceeding or application for any public improvement shall abate or be discontinued by reason of the passage of this act but shall proceed and continue according to law, and proper amendments shall be made for this purpose.

Board of chosen freeholders shall complete all lawful contracts, &c.

No proceedings shall be discontinued.

6. *And be it enacted*, That all laws or parts of laws, general, special, local or private, now in force regarding any such public road board, shall apply to the board of chosen freeholders in and for the county in which any such public road board shall exist, and such board of chosen freeholders shall be solely vested with all the powers, duties, rights and authorities which are now by law vested and conferred upon any such public road board.

All laws now in force relative to road boards shall apply to freeholders.

7. *And be it enacted*, That this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER LXXVIII.

An act to permit boards of aldermen to appoint their clerk for a period.

Term of clerk  
of board of al-  
dermen fixed.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of aldermen of any city in this state where, by the charter of such city, such board has power to appoint a clerk to the board of aldermen, may appoint such officer for a period of three years; *provided* that the provisions of this act shall not apply to cities of the first class.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER LXXIX.

An Act to repeal an act entitled "A further supplement to the act entitled 'An act relative to sales of lands under a public statute or by virtue of any judicial proceedings' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which further supplement was approved March sixteenth, one thousand eight hundred and ninety-one.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That chapter ninety-five of the laws of one thousand eight hundred and ninety-one, entitled "A further supplement to the act entitled 'An act relative to sales of lands under a public statute or by virtue of any judicial proceedings' [Revision], approved March

twenty-seventh, one thousand eight hundred and seventy-four," which further supplement was approved March sixteenth, one thousand eight hundred and ninety-one, be and the same is hereby repealed.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 24, 1894.

## CHAPTER LXXX.

An Act to amend an act entitled "An act to provide for drainage and sewerage in cities of this state," approved April seventh, one thousand eight hundred and ninety.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section forty-one of the act entitled "An act to provide for drainage and sewerage in cities of this state," approved April seventh, one thousand eight hundred and ninety, be amended so as to read as follows:

41. *And be it enacted*, That the notes or other obligations of the city shall bear interest at a rate not exceeding six per centum per annum; they shall not be sold for less than their par or face value, and they shall not be issued to an amount exceeding at any time thirteen per centum of the valuation of the taxable property in said city as shown on its official books. Notes and obligations of city shall bear six per cent. interest. Shall not be sold for less than par and shall not exceed in amount &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER LXXXI.

A Supplement to an act entitled "An act to promote the propagation and growth of seed oysters and to protect the natural oyster-beds of this state," approved April fourth, one thousand eight hundred and ninety-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of an act entitled "An act to promote the propagation and growth of seed oysters and to protect the natural oyster beds of this state," approved April fourth, one thousand eight hundred and ninety-three, be amended so as to read as follows :

Unlawful to rake, dredge, &c., to remove shells spread for spawn.

Penalty.

Commissioners empowered to make arrests.

4. *And be it enacted*, That it shall not be lawful for any person or persons to rake, tong, dredge, or in any manner whatsoever, to remove any of the shells having spawn adhering thereto so as aforesaid spread upon the beds, within two seasons thereafter ; and any person or persons offending against the provisions of this act shall be deemed guilty of a misdemeanor, and punishable by a fine of fifty dollars or imprisonment for a term not exceeding three months, or both ; and that the commissioners of their respective districts are hereby empowered to make all necessary arrests for violation of the provisions of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER LXXXII.

A Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor and commander-in-chief is hereby authorized to appoint and commission at his discretion, as in his judgment the public service may require, four deputy quartermaster-generals with the rank of colonel. Governor authorized to appoint deputy quartermaster generals.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER LXXXIII.

A Supplement to an act entitled "An act to authorize turnpike companies to issue bonds, and to secure the same by mortgaging their franchise," passed March second, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of said act be amended so as to read as follows;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any turnpike company heretofore incorporated under the laws of this state by special act of incorporation, shall have power to borrow such sum or sums of money, from time to time, not to exceed in the Companies authorized to borrow money to pay debts, &c.

whole double the amount of its authorized capital stock, as shall be needed to pay existing floating indebtedness, and to improve, maintain or repair said turnpike, and to secure the repayment thereof by the execution, negotiation and sale of any bond or bonds secured by mortgage on the corporate franchises, real and personal estate, and all other property of such company, or any part thereof.

Repealer.

2. *And be it enacted*, That all acts, general or special, inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 25, 1894.

#### CHAPTER LXXXIV.

An Act to amend an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Assignees  
shall give bond  
with security.

Bond shall be  
filed in surro-  
gate's office.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act the assignee or assignees shall, upon filing the inventory required by law, then and there enter into bond to the ordinary of this state, in such amount as the orphans' court of the proper county, or any judge thereof, may approve, with sufficient security for the faithful performance of the trust, which bonds shall be filed in the office of the surrogate of the proper county.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 24, 1894.



## CHAPTER LXXXV.

An Act to amend an act entitled "A supplement to an act entitled 'An act to authorize the incorporation of rural cemetery associations and regulate cemeteries,'" approved March twenty-third, one thousand eight hundred and eighty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act of which this is amendatory, and which reads as follows :

"2. *And be it enacted*, That no more than three cemeteries shall be located or placed under and by virtue of said act to which this is a supplement, in any one city, township or town in any county of this state," be and the same is hereby amended to read as follows :

2. *And be it enacted*, That no more than three cemeteries shall be located or placed under and by virtue of said act to which this is a supplement, in any one city, township or town in any county of this state ; *provided, however*, that nothing in this section shall prevent any cemetery association now incorporated from continuing, maintaining, enlarging and conducting any cemetery in any township of this state, where such cemetery has been located and used for the past ten years successively ; subject however to all laws or provisions thereof governing and regulating cemeteries in this state and the maintaining, enlarging and conducting the same.

Not more than three shall be located in any one city, &c.

Proviso.

Not to apply to existing cemeteries.

Subject to all existing laws.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1894.

## CHAPTER LXXXVI.

An Act to amend an act entitled "A further supplement to an act entitled 'An act concerning corporations' [Revision], approved April seventh, one thousand eight hundred and seventy-five," which said supplement was approved February twenty-fourth, one thousand eight hundred and ninety-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act be amended so as to read as follows :

Upon dissolution of corporation president and directors shall act as trustees to settle affairs not provided for by law.

Powers and privileges.

Upon failure or refusal to pay for allotment land shall be sold and proceeds applied.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the dissolution of any corporation organized under the act to which this is a further supplement, or any amendment or supplement thereto, the president and directors, acting as trustees to settle the affairs of said corporation, shall, in cases not already provided for by law, have power to meet and act under regulations to be fixed and determined upon by a majority of said trustees, and shall have power to determine when and how and where the property, real or personal, of said corporation shall be sold, whether in parcels or as a whole, and shall sell all or any part for cash, or partly on credit, or take mortgages not exceeding fifty per centum of the purchase price secured by bonds, for part of the purchase price for all or any of said property, and to fix the terms and conditions of the sale of all or any part of said property; and when the distribution of the property in whole or in part shall be by allotment between the respective shareholders, deeds therefor shall be made and delivered to said owners upon the payment of their respective share of expenses and indebtedness of said corporation, as determined by said trustees; and upon the failure or refusal of said shareholders to pay the same, the said trustees shall have power to sell at public sale the lands so allotted or set off, or so much thereof as will be necessary to satisfy and pay said charges and the expenses incurred by such sale.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1894.

## CHAPTER LXXXVII.

A Further Supplement to "An act relative to sales of lands under any public statute or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That executors and administrators selling lands under any order of the orphans' court may adjourn the sale from time to time at his and their discretion unless the court making said order therein, or by some subsequent order, limit the time within which such sale shall be made, in which case sale shall be made within the time so fixed and limited or within such further time to which the same may be extended by other order of said court.

Executors &c.,  
may adjourn  
sale unless  
court shall  
limit time.

2. *And be it enacted*, That no sale of lands heretofore made by executors or administrators under any order of the orphans' court shall be invalidated by reason of such sale having been adjourned for a time or times exceeding two months in the whole, but that the purchaser or purchasers of any lands at such sale who has paid or shall pay the price thereof, and has received or shall receive a deed therefor, such sale having been duly reported to and confirmed by the court directing the making thereof, shall have as good and complete a title thereto as if said sale had been adjourned from time to time not exceeding two mouths in the whole.

No sale invalid-  
dated because  
of adjourn-  
ment.

Purchaser  
shall have title.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1894.

## CHAPTER LXXXVIII.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

Boroughs of first class shall be independent of township government.

Shall not lose local option rights.

Voters within borough shall not vote for township officers.

Officers that boroughs shall elect.

Mayor shall serve for three years.

May designate on ballots amounts for borough purposes.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all boroughs of the first-class existing within the limits of any of the townships of this state incorporated under the act to which this is a supplement, shall hereafter be entirely separated and independent in all matters of local government from the townships out of which said boroughs have been created, but nothing in this act shall deprive the inhabitants of any of said boroughs of any local option rights which they may now possess by virtue of their township charter.

2. *And be it enacted*, That the legal voters within the said boroughs shall have no right to vote for any officer of the townships out of which said boroughs have been created, nor to vote for any appropriation for any purpose concerning the townships out of which said boroughs have been created.

3. *And be it enacted*, That in all boroughs of the first class incorporated under the act to which this is a supplement, the legal voters of said boroughs shall, at each annual election for borough officers, elect justices of the peace, constables, surveyors of the highways, pound keepers and overseers of the poor for such boroughs, in accordance with the existing statutes regulating the election and term of office of such officers in townships.

4. *And be it enacted*, That the mayor of each and every borough of the first class incorporated under the act to which this is a supplement shall hereafter be elected to serve for the term of three years.

5. *And be it enacted*, That the legal voters of all boroughs of the first class incorporated under the act to which this is a supplement shall have the right, by vote, to designate annually, upon the ballots used in voting for borough officers, such amounts as may be deemed advisable for any and all legal purposes of a local nature in any way connected with said boroughs.

6. *And be it enacted*, That hereafter all boroughs of the first class incorporated under the act to which this is a supplement shall be entitled to one member of the board of chosen freeholders, to be elected in accordance with the existing statutes now regulating the election and length of terms of members of said board of chosen freeholders.

shall be entitled to one member of board of chosen freeholders.

7. *And be it enacted*, That all township officers elected prior to the passage of this act residing within said boroughs shall hold their offices until the expiration of the terms to which they were elected.

Officers heretofore elected shall serve out their terms.

Repealer.

8. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and they are hereby repealed.

Approved April 25, 1894.

## CHAPTER LXXXIX.

An Act to amend an act entitled "A supplement to an act entitled 'An act to regulate the practice in courts of law,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which said supplement was approved March fourteenth, one thousand eight hundred and ninety-three.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the first section of the act entitled "A supplement to an act entitled 'An act to regulate the practice in courts of law,' approved March fourteenth, one thousand eight hundred and ninety-three," be and the same is hereby amended so as to read as follows:

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That where any action or suit has heretofore been commenced in either the supreme or the circuit courts of this state, either under or by virtue of any statute or at common law, and said action or suit has been dismissed, abated and judgment of non prosequi entered by reason of the failure of any attorney to file any pleading within the time limited by law, it shall be lawful for either of said courts or any justice thereof, at any time within one year after said action or suit was dismissed or abated and

where injury has been done by fault, neglect, &c., of an attorney cause may be reinstated.

Proviso.

judgment of non prosequi entered, to revive and reinstate said cause upon such terms as may seem equitable and just, if, in the opinion of the said court or justice, the facts in said cause show that the failure to file said pleadings was on account of the neglect, fault, error or mistake of said attorney, and that great injury and wrong would result either to the plaintiff or defendant; *provided, however*, that no action or suit which has been dismissed or abated, and judgment of non prosequi entered therein for the reason above stated, shall be revived and reinstated by either of said courts, or by any justice thereof, unless application for that purpose has been or shall be made within one year after the same has been dismissed or abated and judgment of non prosequi entered therein.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1894.

## CHAPTER XC.

An Act conferring certain powers of government on boards of trustees, boards of directors or managers of any camp meeting association or any other corporation heretofore or hereafter incorporated under the laws of this state for the purpose of providing religious bodies or societies with a permanent camp meeting ground or place for religious service.

Trustees, &c.,  
may open, lay  
out, &c., streets  
drives, parks,  
&c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees, directors or managers of any camp meeting association or other corporation heretofore or hereafter incorporated under the laws of this state, for the purpose of providing any religious body or society with a permanent camp meeting ground or place for religious service, in addition to all the rights and powers heretofore granted, shall have power and authority to open, lay out, maintain and vacate streets, drives, avenues

and walks, and lay out, maintain and beautify parks and open places, and to construct and maintain sewers and drains within the limits of lands or grounds owned or controlled by such association or corporation by authority of law, with full authority to regulate the use of such sewers and drains, and to prescribe and fix the terms, times and manner in which such streets, drives, avenues and walks may be used, and to license and prohibit the use of drays, carts, carriages and all manner of vehicles thereon.

May regulate use of sewers and drains, and prescribe terms, &c., for using streets, &c., and license or prohibit use of vehicles.

2. *And be it enacted*, That in all cases in which streets, drives, avenues, walks and parks or open places have been opened and laid out by any such association or corporation, over and upon lands owned by such association or corporation, and to which such association or corporation still retain the title, the trustees, directors or managers thereof shall, subject to any rights which may have been granted therein by contract, have, possess and exercise all the power and authority herein and hereby granted over streets, drives, avenues, walks, parks and open spaces to be hereafter opened or laid out.

May exercise same power over streets, &c., hereafter opened, &c.

3. *And be it enacted*, That no person or corporation without the consent of a majority of all the trustees, directors or managers of any such association or corporation shall, within the limits of the ground owned, and controlled by such association or corporation, under authority of law, contract or operate any street railway or any steam railway, or any railroad, nor shall any public highway or thoroughfare be opened or constructed over, into or across the same without like consent.

No steam or street railway shall be operated or highway opened without consent.

4. *And be it enacted*, That the trustees, directors or managers of every such association or corporation shall, within the limits of the lands owned or controlled by such association or corporation aforesaid, have, possess and enjoy power and authority to maintain and preserve order, to abate and prohibit nuisances detrimental to the public health, and to make and enforce rules and regulations to promote and protect the public health, and, within the limitations aforesaid, shall have for this purpose exclusive jurisdiction.

May preserve order, abate nuisances, &c.

5. *And be it enacted*, That the powers and authority hereby conferred upon such trustees, directors and managers of every such association or corporation shall be used and exercised by making and publishing in the manner hereinafter directed, by-laws and regulations, and by the passage of ap-

Shall pass ordinances, resolutions, &c., and post same.

appropriate ordinances and resolutions; and all such by-laws, regulations, ordinances or resolutions shall receive the affirmative vote at a regular meeting of a majority of all the trustees, directors or managers of such association or corporation; all such by-laws, ordinances, resolutions and regulations shall be entered at length in a journal or minutes of such body; and, before any such by-laws, ordinances or regulations shall become operative and binding, a copy thereof, duly certified by the presiding officer of such body and the secretary thereof, shall be set up for the space of five days in five of the most public places within the limits of the territory owned or controlled as aforesaid by such corporation or association.

Ordinances shall not be inconsistent with constitution and laws.

6. *And be it enacted*, That all rules, by-laws, regulations, ordinances and resolutions duly made and passed as aforesaid, shall have the force and effect of laws when not inconsistent with the constitution and laws of this State.

Property of association shall not be taxed.

7. *And be it enacted*, That no tax or assessment shall be made, levied or collected upon the property, real or personal, of any such association or corporation, so long as the same, or the proceeds thereof, after payment of necessary expenses, are devoted to religious and educational uses, but nothing herein contained shall be construed to exempt the property owned by individuals or corporations otherwise taxable within the limits of the territory so owned and controlled from taxation.

Governing bodies shall enforce ordinances, grant licenses, &c.

8. *And be it enacted*, That every such board of trustees, directors or managers shall have full power and authority to make, establish and enforce ordinances regulating the granting of all licenses, and fixing the fees to be paid therefor, which, by any laws of this state now in force, or hereafter passed, they may have authority to grant, and to fix and prescribe penalties for the violation of any such ordinance or ordinances, or any section thereof, and for the violation of any other ordinance, rule, regulation or by-law which may be lawfully passed by said board of trustees or other governing body of any such association for any other purpose, and that the fees for such licenses may be imposed for the purposes of revenue; *provided, however*, that no person or persons shall be required to take out a license to sell any of the produce of his farm.

9. *And be it enacted*, That every justice of the peace in any county, or police justice or officer specially commis-



sioned, possessing the powers of police justices appointed or to be appointed for any such corporation, is hereby empowered, on oath or affirmation made according to law, that any person or persons has or may have violated any section of said ordinance or any of the ordinances of said board in relation thereto, or any of the ordinances, rules, regulations or by-laws which have been or may be lawfully passed by said board for any other purpose, to issue process at the suit of such association aforesaid in the nature of a summons for said penalty, which shall be returnable in not less than one or more than ten entire days; such process shall state what section or sections of the ordinance, rule, regulation or by-law has been violated by the defendant or defendants, and on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice or officer specially commissioned possessing the powers of police justices appointed or to be appointed for such corporation, shall proceed to hear the testimony and to determine and give judgment in the matter without the filing of any pleadings, and a copy of the ordinance or section of the ordinance or rule, regulation or by-law alleged to have been violated, certified under the hand of the secretary or clerk of the board, shall be taken as full and legal proof of the existence of such ordinance, rule, regulation or by-law, and that all the requirements of law in addition to the ordaining, publishing and making the same so as to make the same legal and binding have been complied with, unless the contrary be shown; and the said court, justice of the peace, police justice or officer specially commissioned possessing the powers of police justices, appointed or to be appointed for any such corporation, shall give judgment for the penalty sued for and costs if the defendant be proven guilty, and he may, at the request of the plaintiff, forthwith issue execution against the goods and chattels, and also against the body of the defendant or defendants, without any special order being made to that effect, for the amount of said penalty and costs, and if the same be not paid and the officer is unable to find sufficient goods and chattels over and above such as are reserved by law to satisfy said execution in full, then he shall take the body of the defendant under said execution and deliver him to the sheriff of the county, who shall keep him in custody in the jail of the county until he

Justices of peace, police, &c. may have cognizance of violations of ordinances, &c. and issue process try cases, &c.

May try causes and give judgment without filing of pleadings.

May issue executions against goods and body.

is entitled to release by law, and no defendant against whom an execution shall be or remain unsatisfied after being taken into custody shall be entitled to any of the benefits or privileges of any of the insolvent laws or acts of this state.

Repealer.

10. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

11. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1894.

## CHAPTER XCI.

A Supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any school district in this state acting under a special charter, and which has no power under such charter to issue bonds for the purpose of purchasing land for school purposes, or for the erection or enlargement of a school-house or school-houses, may issue bonds for such purpose or purposes in the manner provided for the issuing of bonds by districts organized under the provisions of the act to which this a supplement; *provided*, that this act shall not apply to any district until such district shall decide to accept the same by a vote of the majority of the legal voters present at any regular annual meeting of the district.

School district having special charter may issue bonds.

Proviso.

May order bonds issued either at annual or special meeting.

2. *And be it enacted*, That any district voting to accept this act, may order the issue of bonds as provided in section one, either at the annual meeting or at a special meeting, which special meeting shall be called in the same manner as is provided by the charter of such district for calling the annual meeting.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1894.

## CHAPTER XCII.

An Act concerning ward and district lines in the cities of  
this state.

Governing  
body may di-  
vide city into  
wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state the common council, board of aldermen, or other governing body thereof, shall have power by resolution adopted by a majority vote of all the members of such body to divide such city up into wards or councilmanic or aldermanic districts, and to change the lines of boundaries of the wards or districts therein, but not oftener than once in ten years hereafter; *provided, however*, that the term of any officer appointed from or elected in said wards or districts shall not be affected by such change; *and provided further*, that the number of wards or aldermanic districts in any such city shall not be increased hereunder.

Lines thereof  
shall not be  
changed other  
than once in  
ten years.  
Proviso.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect May eighth, anno domini one thousand eight hundred and ninety-four.

Approved April 25, 1894.

## CHAPTER XCIII.

An Act to enable cities in this state, located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to open and lay out a public park or place for public resort or recreation, on and along the beach or ocean front of such city, and to purchase or condemn lands, property and rights therefor, and to preserve the same from obstruction or encroachment.

**Governing body may lay out public park on ocean front.** 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council or other governing body of any city in this state, located on or near the ocean, and embracing within its limits or jurisdiction any beach or ocean front, to open and lay out on and along such beach or ocean front, a public park or place for public resort and recreation, and to devote the lands within the limits of such park or place of resort, when established as herein directed, to such use exclusively.

**And establish inland line and record description of same.** 2. *And be it enacted*, That whenever the common council or other governing body of any such city shall determine to open and lay out such a park or place for public resort and recreation, it shall first cause the interior or inland line of the same to be established and suitably marked upon the ground, and cause a description of the same to be filed in the office of the city clerk of the said city, there to remain of record ; and such interior or inland line shall not be established further inland than ordinary high water mark along such beach or ocean front, and may extend along the same within the limits of such city, or along any part thereof ; *provided, however*, that where in any such city an elevated public walk has been heretofore constructed along the beach or ocean front in such city, on or near to the line of ordinary high water mark, whether within or without the said line such line may be established and fixed as far inland as the interior line of such public walk.

**Provide.**

3. *And be it enacted*, That when such interior line has

been established, as herein provided, it shall and may be lawful for the common council or other governing body of such city to purchase or condemn all the lands, real estate, property, and rights, of persons and corporations situate, lying and being within and between the line so established and the exterior line now or hereafter established by the state riparian commissioners, along and in front of the property over and across which such interior line has been established, and to devote the same exclusively to public use as a public park or place for public resort and recreation, and to keep the same forever open and unobstructed for such public use.

4. *And be it enacted*, That it shall be lawful for the common council of such city to build and construct an elevated public walk, and to maintain the same, along the interior line of such public park or place of resort, which elevated public walk shall not extend at any point more than one hundred feet toward the ocean from the line so established; and in case any such elevated public walk has heretofore been constructed in any such city, on or along the line so established, it shall be lawful for the common council or other governing body of such city to change the construction and location thereof, so that the same shall conform to the provisions of this act.

5. *And be it enacted*, That it shall be lawful for the common council of such city to accept from any person or persons or corporation owning lands, property or rights which by the provisions of this act such city is authorized to purchase or condemn, a dedication of such property, lands and rights for the uses and purposes herein mentioned, and in accepting any such dedication it shall be lawful for the common council or other governing body of such city to contract and agree with the owner or owners so dedicating such lands, property and rights to so change the location of the line established under the provisions of this act over and across the property so dedicated, and to so change the location and construction of the elevated public walk constructed thereon (if any shall be so constructed), in such manner that the owner or owners so dedicating such land, property and rights may secure the benefit of any accretions which may be made to the land and property so dedicated through or by the action of the tides or waters of the ocean or other natural causes.

May regulate  
the uses of  
such public  
lands and pre-  
vent obstruc-  
tion &c.

6. *And be it enacted*, That the common council or other governing body of such city may regulate the use of such lands and property when so purchased, condemned or dedicated and so devoted to such public use in any such city, and prevent any obstruction thereof and any encroachment thereon; and it shall not be lawful to locate, construct or operate any steam, horse or other railway over or across the lands so purchased, condemned or dedicated, or any part thereof, or to open or lay out any public highway or street over or across the same, it being the intention, when such lands are so purchased, condemned or dedicated and devoted to the public use aforesaid, that the view of the ocean from the interior line so established, and from the elevated public walk, when the same is or shall be constructed, as herein provided shall be free and open and unobstructed, and that no use shall be made of the said lands and property inconsistent with the purpose of this act.

Condemned  
lands shall be-  
come property  
of city.

7. *And be it enacted*, That when any lands and real estate, or any rights therein are or shall be condemned, as in this act provided, such lands, real estate, and all rights therein, shall be and become the property of the city so condemning and appropriating the same, and the proceedings in condemnation shall be regulated by and shall conform to, as nearly as practicable, the provisions for the condemnation of lands, provided for in the act entitled "An act to authorize cities in this state located on or near the ocean and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets, and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof," approved April sixth, one thousand eight hundred and eighty nine, constituting chapter CXXIX of the session laws of one thousand eight hundred and eighty-nine.

May assess  
special or pe-  
culiar benefits  
in proportion.

And collect the  
same.

8. *And be it enacted*, That it shall be lawful, for the common council or other legislative body of such city in case any lands, property and rights, shall be purchased or condemned under authority of this act, and devoted to such public use, to cause an assessment to be made of the special or peculiar benefits, which such improvement may confer, upon all the owners of lands and real estate benefited thereby, in proportion to the benefits each shall be deemed to acquire, and such assessment, shall be made and collected

in the manner now or hereafter provided by law, for the making and collection of benefit assessments for other public improvements, in such city.

9. *And be it enacted*, That this act shall take effect immediately.

Approved April 26, 1894.

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## CHAPTER XCV.

A Further Supplement to an act entitled "An act to enable cities in this state to furnish suitable accommodations for the transaction of public business" (title as amended), approved April fifteenth, one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of purchasing sufficient land and the erection of a suitable and sufficient building for a city hall, in the manner and as provided in the act to which this is a supplement and the various supplements thereto, bonds of the city for that purpose, to the amount of five hundred thousand dollars, may be issued, sold and the proceeds thereof expended, and the principal and interest provided for in the manner as in said act and supplements provided.

Bonds may be issued for purchase of land and erection of city hall.

2. *And be it enacted*, That this act shall not be construed to impair or in any manner conflict with the supplement to said act approved March ninth, one thousand eight hundred ninety-three, and that this act shall take effect immediately.

Not to impair or conflict with previous supplement.

Approved April 26, 1894.

## CHAPTER XCVI.

A Further Supplement to act entitled "An act for the incorporation of safe deposit and trust companies," approved April twentieth, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the provisions of the act to which this is a supplement, and of the several supplements thereto, and the powers and authority thereby given, it shall and may be lawful for any company or association incorporated by or under any law of this state, and possessing any of the powers conferred by the the third section of the act to which this is a supplement, or similar powers, and with a capital of not less than one hundred thousand dollars to become surety for the faithful performance of the duties of receivers, executors, administrators, guardians, trustees or assignees, and to execute its bonds or other proper obligations for that purpose (under such rules as to extent of its liability as the chancellor or ordinary may prescribe); and any fund which in pursuance of the third section of an act of the legislature of this state, approved March thirteenth, one thousand eight hundred and eighty-eight, and designated as chapter one hundred and twenty-seven of the general public laws of this state, has been or may hereafter be created and set apart for, and devoted to specially securing the liability of such company in any of its branches of lawful business under its special powers, shall also be subject and applicable to any liability which such company may incur under the the power conferred by this act, and any such company may from time to time increase such special fund as the exigencies of its business may require.

Companies with capital of \$100,000 may become surety for administrators, &c.

Certain fund of companies also applicable under this act.

2. *And be it enacted*, this act shall take effect immediately.

Approved April 26, 1894.



## CHAPTER CXVII.

An Act for the relief of Margaret Julia Lippincott, the widow of James B. Lippincott.

WHEREAS, James B. Lippincott, while in the discharge of his duties as a deputy keeper in the state prison of this state, met his death on March second, one thousand eight hundred and ninety-four, at the hands of a convict endeavoring to make his escape from such institution; *and whereas*, such James B. Lippincott left him surviving a widow and other family without visible means of support; therefore,

Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there be paid to Margaret Julia Lippincott, widow of said James B. Lippincott, deceased, so long as she shall remain such widow, in monthly payments from the treasury of this state, the sum of thirty dollars per month as a pension; that the said pension shall commence from the death of such James B. Lippincott, and shall be audited and paid by the comptroller and treasurer respectively.

Pension shall be paid monthly.

2. *And be it enacted*, That this act shall go into effect immediately.

Approved April 26, 1894.

## CHAPTER XCVIII.

An Act to amend an act entitled "A supplement to an act entitled 'An act for the incorporation of safe deposit and trust companies,' approved April twentieth, one thousand eight hundred and eighty-five," which said supplement was approved February sixth, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act of which this is amendatory be and the same is hereby amended so as to read as follows :

When company may transact other business of a bank of discount and deposit.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the provisions of the act to which this is a supplement and the powers and authority therein and thereby given, it shall and may be lawful for any trust company incorporated or organized under said act or any special law, and doing business in any city or village in this state where now there is now no national or state bank of discount and deposit, to discount bills, notes and other evidences of debt, to buy and sell gold and silver bullion and foreign coins and money, and to buy and sell bills of exchange and commercial paper and to use so much of their capital, deposits and funds for such purposes as their respective directors shall, from time to time, designate ; *provided, however*, that the assent in writing be first obtained of two-thirds of the stockholders of such company or companies as may decide, by a unanimous vote of its or their board of directors, to avail themselves of the privileges of this act.

Proviso.

Act repealed.

2. *And be it enacted*, That an act entitled "A further supplement to an act entitled 'An act for the incorporation of safe deposit and trust companies,' approved April twentieth, one thousand eight hundred and eighty-five," which said further supplement was approved March fourteenth, one thousand eight hundred and ninety-three, be and the same is hereby repealed, and that this act shall take effect immediately.

Approved April 26, 1894.

## CHAPTER XCIX.

An Act to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy five, be and the same is hereby amended so as to read as follows :

2. *And be it enacted*, That if it shall appear by the statement filed as aforesaid that the company or association is possessed of an actually paid in and well-invested capital stock of at least one hundred and fifty thousand dollars over and above all claims and liabilities, and has paid the tax hereinafter provided for, then the commissioner of banking and insurance shall issue a certificate of authority to the company for the transaction of business and allowing agencies to be established in this state ; *provided*, that companies organized to do a glass insurance exclusively, or companies making insurance against injury disablement or death of persons resulting from traveling or general accidents, but not the insurance of persons against loss or damage resulting from accident to or injury suffered by an employe or other person, and for which the person insured is liable, shall not be required to have a greater capital than one hundred thousand dollars.

May transact  
business when  
certain  
amount of  
capital has  
been paid in.

Provided.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act and an act entitled "An amendment to an act entitled 'An act to provide for the regulation and incorporation of insurance companies,' approved April ninth, one thousand eight hundred and seventy-five," which said amendatory act was approved April twenty-third, one thousand eight hundred and eighty-eight, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 26, 1894.

## CHAPTER C.

A Supplement to an act entitled "An act for the protection of certain kinds of birds, animals and fish, and to provide a procedure to recover penalties for the violation hereof," approved February twenty-eighth, one thousand eight hundred and ninety-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-fifth section of the act to which this is a supplement be and the same hereby is amended so as to read as follows :

Unlawful to  
catch or have  
in possession  
brook trout  
during closed  
season.

25. *And be it enacted*, That it shall not be lawful for any person or persons to catch kill or have unlawfully in possession any brook trout, except only between the first day of April and the fifteenth day of July in any year, under the penalty of twenty dollars for each fish so caught, killed, taken or had unlawfully in possession.

Not to prohibit  
angling.

2. *And be it enacted*, That nothing contained in the twenty-seventh section of the act to which this is a supplement shall be construed to prohibit the legitimate taking of fish by hook, line and rod in the manner commonly known as angling.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 26, 1894.

## CHAPTER CI.

A Supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That if any person shall buy or sell what is commonly known as a pool, or any interest or share in any such pool, or shall make or take what is commonly known as a book, upon the running, pacing or trotting, either within or without this state, of any horse, mare or gelding, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars and imprisonment not exceeding two years.

Buying or selling pools, or bookmaking a misdemeanor.

Penalty.

2. *And be it enacted*, That if any person or corporation shall habitually or otherwise conduct the practices commonly known as book making and pool selling, or either of them, or shall keep a place to which persons may resort for engaging in such practices, or either of them, or for betting upon the event of any horse race, or other race or contest, either within or without this state, or for gambling in any form, such person or corporation shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, and by imprisonment in the state prison for not less than one year nor more than five years.

Keeping a resort for such purposes a misdemeanor.

Penalty.

3. *And be it enacted*, That if any corporation of this state shall be convicted of a violation of any of the provisions of the last preceding section of this act, such conviction shall have the effect to dissolve such corporation, and to render forfeit and void its corporate franchise and powers without any other or further proceedings to that end.

Corporation convicted of shall forfeit charter.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved April 26, 1894.

## CHAPTER CII.

A Supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section sixty five of the said act be and the same is hereby amended so as to read as follows, to wit:

Who shall be trustee of the school fund.

65. *And be it enacted*, That the governor of this state, the president of the senate, the speaker of the house of assembly, the attorney-general, the secretary of state, the comptroller and the treasurer and their successors in office, be and they are hereby constituted and appointed trustees of the fund for the support of public schools in this state arising either from appropriation heretofore made or which may hereafter be made by law, or which may arise from the gift, grant, bequest or devise of any person or persons whatsoever, which trustees shall be known by the name, style, and title of "the trustees for the support of public schools;" *provided*, that it shall not be lawful for any teacher, trustee or trustees to introduce into or have performed in any school receiving its proportion of the public money, any religious service, ceremony or forms whatsoever, except reading the bible and repeating the Lord's prayer.

Name, style and title of board.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 30, 1894.

## CHAPTER CIII.

A Further Supplement to the act entitled "An act to provide for the regulation and incorporation of insurance companies" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bond, undertaking or other obligation is by law, or the ordinances, rules or regulations of any municipality, board, body, organization or public officer required or permitted to be made, given, tendered or filed, with surety or sureties; and whenever the performance of any act, duty or obligation, or the refraining from any act is required or permitted to be guaranteed, such bond, undertaking, obligation or guaranty may be executed by a company qualified to act as surety as herein provided; and such execution by such company of such bond, undertaking, obligation or guaranty shall be in all respects a full and complete compliance with every requirement of every law, ordinance rule or regulation that such bond, undertaking obligation or guaranty shall be executed by one surety or by two or more sureties, or that such sureties shall be residents or householders or freeholders, or either or both, or possess any other qualification; and all courts, judges, heads of departments, boards, bodies, municipalities and public officers of every character may accept and treat accordingly such bond, undertaking, obligation or guaranty when so executed by such company as conforming to, and fully and completely complying with every such requirement of every such law ordinance, rule or regulation; such company to be qualified to so act as surety shall be authorized under its charter to execute such bond, undertaking, obligation or guaranty, or to guarantee the fidelity of persons holding places of public or private trust and to guarantee the performance of contracts other than insurance policies, and to execute and guarantee bonds and undertakings required or permitted in actions or proceedings.

Insurance company may act as surety for any municipality, board, officer, &c.

Bond or obligation shall be accepted as complying with all these requirements.

Company shall possess certain qualifications.

or by law allowed; and shall also be authorized to do business in this state; its liabilities shall not exceed its assets, but in estimating such liabilities there shall be charged only its capital stock, its outstanding debts and a premium reserve equal to fifty per centum of the annual premium on all outstanding risks then in force; and in estimating its assets there shall be allowed only such assets as are authorized under laws existing at the time.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that that this act shall take effect immediately.

Approved April 30, 1894.

## CHAPTER CIV.

An Act in relation to the publication of ordinances in certain townships in this state.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in every township in this state having a population of ten thousand or more by the census of the United States taken in the year one thousand eight hundred and ninety, or which may hereafter have such population by such census to be hereafter taken, all ordinances introduced into the township committee shall, after their introduction, be considered and read a first time at the meeting of their introduction or at some subsequent meeting, or as the rules of such committee may provide, and shall be open to amendment on such first reading, and after the same shall have had such first reading they shall be published in two newspapers, one of which shall be published in said township for a period of one week, and after such publication such ordinance shall be again considered and acted upon by said committee on its second reading, and said ordinance shall then be open to amendment in all its parts, and after the same shall have been so amended, if amended, and shall have passed its second reading, the same shall be publish-

Ordinances shall be published in two newspapers before second reading.

May be amended on second reading.



ed as amended, if amended between its second and third reading, for a period of one week, and said ordinance shall not be open to amendment upon its third reading and final passage, but the question shall then be, shall the ordinance be passed; and if the vote by which the ordinance has passed its second reading shall be reconsidered and said ordinance shall be amended, the same shall be again republished for one week before it shall be placed upon its third reading and final passage; and any such ordinance which shall have had its first and second reading and been published as aforesaid, and shall have had its third reading and final passage, shall, within five days after the passage thereof, be and become operative and in full force and effect, unless by the terms of the said ordinance it shall be provided that the same shall take effect in some other manner or at some other time.

Shall be published as amended before final passage.

Vote passing to third reading may be reconsidered.

If ordinance is amended it shall again be published.

Shall become operative five days after wards unless otherwise ordered.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 30, 1894.

## CHAPTER CV.

An Act relating to auditors in townships of this state.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That where, in townships in this state, there now exists under the authority of law an auditor, it shall be the duty of such auditor to audit all claims presented against the township before the same can be ordered paid by the township committee; he shall report upon all claims, with the amount due thereon, and under what authority they have been incurred, from time to time, to the meetings of the township committee, as said committee may, by rule or otherwise, prescribe; any member of such committee may object to any claim so reported, and in such case the claim objected to shall be voted upon separately, otherwise the report of such auditor may be adopted as a whole; all votes taken upon such report, or upon any account or item objected to, the vote shall be

Auditor shall audit all claims and report amount due before payment shall be made.

Votes upon adoption of auditors reports shall be recorded.

taken by aye and no and recorded by the clerk of the committee upon the minutes.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 30, 1894.

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## CHAPTER CVI.

An Act relative to the establishment of sinking funds and the appointment of commissioners therefor in certain townships in this state.

Certain townships may establish sinking fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of any township in this state having by the census of the United States, taken in the year one thousand eight hundred and ninety, or by any census hereafter to be taken, a population exceeding ten thousand, shall provide by ordinance for the establishment of a sinking fund or sinking funds with relation to any series of bonds or obligations of the said township, which may have been heretofore or may hereafter be issued by such township, and provide for the control, direction and management of the said fund when so established.

Township committee shall appoint commissioners to manage same.

2. *And be it enacted*, That in such townships the township committee shall provide by ordinance for the appointment of commissioners of the sinking fund for such township, not exceeding five, of whom the chairman of the township committee for the time being shall be one, and such commissioners when appointed shall have full power and authority to manage and control the said fund under the direction and pursuant to the laws of this state and the ordinances of such township.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 30, 1894.

## CHAPTER CVII.

An Act to provide for admission of certain persons residents of this state, to practice as attorneys and counselors in the supreme court of this state.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That any resident of this state of full age and good moral character, who has been admitted to practice and has practiced six years as an attorney and counselor in the highest court of original jurisdiction in another state of the United States, and who has been a resident of this state for at least five years immediately preceding his application, shall be admitted to practice as attorney and counselor in the supreme court of this state, without examination, on motion made at any stated term of said supreme court; *provided, however,* that no such applicant shall be admitted by the supreme court, unless he shall have produced to said court, certificates, or other evidence satisfactory to said court, that he has served a regular clerkship of three full years with a practicing attorney in good standing in one of the states of the United States, or that he has spent two years in regular attendance upon the law lectures in any college or university, or in any law school of established reputation in the United States.

Person who has practiced six years in another state, &c. may be admitted to practice here.

Proviso.

4. *And be it enacted,* That this act shall take effect immediately.

Approved April 30, 1894.

## CHAPTER CVIII.

An Act authorizing the towns and townships of this state to renew matured and maturing bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by any town or township in this state, under the authority of law, are now due and unpaid or shall hereafter become due, the common council or township committee of any such town or township may renew sixty per centum of said indebtedness, or any less part thereof, by the issuing of the bonds of said town or township for that purpose; which bonds may be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding five per centum per annum, and be issued in such sums as the common council or township committee of any town or township shall, by ordinance or resolution, determine; which bonds shall be of the denomination of not less than fifty dollars nor more than one thousand dollars, and shall be designated as renewal bonds, and shall be executed in same manner as the matured and maturing bonds are executed, and shall have coupons attached for every half-year's interest until due, or may be registered, at the option of the holder; which coupons, if attached, shall be signed by the mayor, chairman or other proper financial officer and numbered to correspond with the bond to which they shall respectively be attached; *provided*, that in order to redeem the bonds issued under the provisions of this act at maturity, it shall be the duty of the common council or township committee, immediately preceding the time when any of said bonds shall be due, to cause a special tax to be levied and collected as other town or township taxes are or may hereafter be levied and collected, the proceeds of which said tax shall be applied to the payment of said bonds as they mature.

Sixty per cent of past due and unpaid bonds may be renewed.

Interest shall not exceed five per cent.

Denomination and designation of bonds.

May be coupon or registered.

Proviso.

Special tax shall be levied to pay bonds.

2. *And be it enacted*, That the interest on said

bonds shall be raised and paid by a tax annually levied and collected as other town or township taxes are now or may hereafter be levied and collected; and the common council or township committee of any said town or township may dispose of said bonds either at public or private sale for the best price that can be obtained for the same, but not at a less price than par value; and said bonds and all moneys derived from the sale thereof shall be inviolably applied and used for the payment of the said matured and maturing bonds.

Interest shall be levied and collected as other taxes.

Bonds may be sold at not less than par value.

3. *And be it enacted*, That any act or acts, or parts, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall be a public act and take effect immediately.

Repealer.

Approved April 30, 1894.

## CHAPTER CIX.

An Act to amend an act entitled "An act to provide for the purchase of sites for and the erection and equipment of armories in cities of the first and second class and making appropriations therefor, and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement," approved March twenty-third, one thousand eight hundred and eighty-eight.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the third section of an act to provide for the purchase of sites for and the erection and equipment of armories in cities of the first and second class and making appropriations therefor, and to provide for the taking of real estate for such sites by commission, in case the same cannot be purchased by agreement, approved March twenty-third, one thousand eight hundred and eighty-eight, be and the same hereby is amended so as to read as follows:

Act annulled.

3. *And be it enacted*, That the county collector in any

County collector shall notify board of chosen freeholders.  
Chosen freeholders shall set apart moneys for commission.

May issue bonds sufficient to meet appropriation.

Shall advertise and sell bonds at not less than par.

Moneys shall be applied to purchase, &c., of armory.

Entire cost of limited.

Proviso.

county in which such city is located, whenever a written notice shall be served upon him by the aforesaid commission, stating that lands have been contracted for or purchased, or the title thereto has been acquired as above directed, shall forthwith notify the board of chosen freeholders of such county of the action of the commission, and the said board of chosen freeholders shall set apart for the use of the said commission, out of any moneys in the county treasury, the amount stated in said notice as required by said commission; and in case the said board of chosen freeholders shall not have moneys enough on hand to meet such appropriation, then it shall be the duty of such board to issue bonds in an amount sufficient to meet such appropriation at a rate of interest not exceeding five per centum per annum, and payable in whole or in part in not more than fifteen years from the date thereof, and to advertise for proposals to sell the said bonds to the highest bidder for an amount not less than the par value thereof; the said moneys when so appropriated or the proceeds of the sale of such bonds, shall be retained by the said county collector and shall be by him paid out upon the written requisition of the aforesaid commission, by which it shall be applied to the payment of the amount of the purchase price or cost of said land and any damage for awards or compensation which may be made under the proceedings to acquire said title and the costs and expenses of acquiring said title and the grading, filling, excavating, paving and fencing of said lands, and the interior completion and also the equipping and furnishing of said armories, drill-rooms, company-rooms and store-rooms when built, and any expenses incident to the carrying out of the provisions of this act, the entire cost of which in each city shall not in the aggregate exceed the sum of twenty-five thousand dollars; and *provided further*, that all proceedings heretofore taken by cities of the first and second class to purchase an armory site for which bonds have been authorized to be issued at a rate of interest not exceeding five per centum, if such proceedings have otherwise been taken in accordance with the provisions of the act hereby amended and in accordance with the provisions of acts supplementary and amendatory thereto, be and the same are hereby confirmed and made valid, legal and effectual, to the same extent that the same would have been legal, valid and

effectual if all such proceedings had been instituted and taken in accordance with the provisions of the act as hereby amended.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 30, 1894.

## CHAPTER CX.

An act to authorize any township of this state to celebrate the centennial anniversary of its existence, and empowering the township committee of such township to provide the necessary funds therefor.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for every township of this state to celebrate the centennial anniversary of its existence in such manner as its township committee may by resolution direct; and, in order to defray the necessary expenses of such celebration, it shall and may be lawful for such township committee to appropriate therefor a sum of money not exceeding five hundred dollars; and the said township committee, in case no unappropriated moneys of said township are available for the purpose, is hereby authorized to borrow the amount so appropriated upon the promissory note of the township in anticipation of the taxes to be thereafter levied.

Lawful for every township to celebrate its centennial.  
Township committee may appropriate money therefor.  
May borrow on note in anticipation of taxes.

2. *And be it enacted*, That it shall be lawful for the township committee, and it is hereby authorized and directed to cause the sum so borrowed, if any, to be assessed and raised in the same manner that other taxes of said township are raised in the tax levy next thereafter imposed, and the moneys so raised shall be applied to the extinguishment of said debt and to no other purpose.

May assess the same in next tax levy.

3. *And be it enacted*, That the sum so appropriated in any township shall be paid by the township collector in such township to the township treasurer for the purpose aforesaid; and such money so appropriated shall be used and

Appropriation shall be paid to township treasurer.

expended by such treasurer under the direction of and upon the order of the township committee.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 30, 1894.

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## CHAPTER CXI.

A Further Supplement to an act entitled "An act for the promotion of industrial education," approved April twenty-eighth, one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any school district, city or township in which industrial education has heretofore been established, or where industrial education has been added to the course of study in the school or schools of such district, city or township, for which moneys have been raised, subscribed or appropriated under the act to which this is a supplement, and such industrial education so established or added to the course of study in any such district, city or township has been or may hereafter be discontinued or abandoned, and there now is or hereafter may be any moneys or unexpended balances of such fund in the treasury of the city or in the hands of the collector of the township, or other legal custodian of such funds, and which are or may be kept in a separate and distinct account apart from all other moneys in his custody, and not now or hereafter covered into the treasury of such city or township; that one-half of such moneys or unexpended balance in the treasury of the city or collector of the township in which such industrial education has been discontinued or abandoned shall, and may be, by the order or direction of the persons or board having charge of public schools in such district, city or township, returned to the state treasurer to be credited to the account of state school fund, and the re-

When studies  
are abandoned  
one-half of un-  
expended  
balance shall  
be returned.



maining one-half used for any other public school purpose, as such persons or board may designate, and the said mon-  
 eys or unexpended balance, after the payment of the one-half thereof as aforesaid to the state treasurer, shall be transferred by the city treasurer or collector of any such city or township either to the general school fund or appropriations of such city or township, or to any particular fund or appropriation for public school education or instruction as directed by such persons or board.

Remaining  
 half may be  
 used for any  
 other public  
 school purpose

2. *And be it further enacted*, That the implements or articles purchased and used in connection with industrial education which has been or may hereafter be discontinued or abandoned in any district, city or township, may be disposed of by the persons or board having charge of public schools in such district, city or township, and the proceeds thereof paid into the city treasurer or to the collector of such city or township, and one-half thereof paid to the state treasurer, to be credited to the account of the state school fund, and the remaining one half placed to the credit of public school funds or appropriations in such city or township, for any purpose of public schools, education or instruction.

Implements  
 &c. may be dis-  
 posed of and  
 divided to state  
 and local funds

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 30, 1894.

## CHAPTER CXII.

An Act to defray the expenses of the contested election case of William Riddle against Samuel D. Hoffman.

State treasurer  
shall pay per-  
sons named.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall pay, upon the warrant of the comptroller of this state, to the several persons hereinafter named, the amounts set opposite their respective names, for services and expenses in said contested election case, as follows, namely,

Item No. 1. To Samuel E. Perry, for expenses as master in chancery, sealing subpoenas and stenographer's fees in said contest, \$549 60

Item No. 2. To Allan L. McDermott, for professional services as counsel for said Riddle, 500 00

Item No. 3. To Judge Thomas F. Noonan, junior, for professional services and expenses as counsel for said Riddle, 800 00

Item No. 4. To D. J. Pancoast, for professional services and expenses as counsel for said Hoffman, 1,000 00

Item No. 5. To W. T. Hoffman for services as counsel to said Hoffman, 200 00

Item No. 6. To James B. Nixon, for services and expenses as counsel to said Hoffman, 300 00

Item No. 7. To Samuel D. Hoffman, incumbent, for expenses incurred in contest, 500 00

Item No. 8. To William Riddle, contestant, for expenses incurred in contest, 500 00

Item No. 9. To Howard A. Reynolds, for services and expenses as clerk to senate committee in said contest, 300 00

Item No. 10 To Richard Winters, services as sergeant at-arms of said committee, and hotel and other expenses for said committee, 1,000 00

Item No. 11. To Charles H. Oliver, services as assistant clerk to committee, 150 00

Item No. 12. To William Thompson, for serving process on witnesses for said committee, 100 00

Item No. 13. To James Knowles, for services as assistant sergeant-at arms and for serving process, 100 00

2. *And be it enacted*, That this act shall take effect immediately.

Passed May 1, 1894.

### CHAPTER CXIII.

A Supplement to an act entitled "An act concerning boroughs," approved March twenty-eighth, one thousand eight hundred and ninety-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which any street or other improvement within the purposes mentioned in the second section of the act to which this is a supplement shall have been heretofore completed, or shall be in process of completion, or any indebtedness for any such purposes shall have been heretofore incurred by the council of any borough in this state, or by any committee thereof, by resolution or otherwise, and proceeds of the sale of bonds provided for by said act shall have been or may be, by ordinance or resolution, appropriated for the payment of such indebtedness or any part thereof, or any payments shall have been made on account thereof, such improvement, appropriation and payments shall be deemed and taken to be and shall be as valid, lawful and effectual as if the improvement had been authorized, the indebtedness incurred and the appropriation made by ordinance; *provided, however*, that if said improvement shall have been made, or the indebtedness shall have been incurred by or under the direction of a committee, the same shall have been afterwards or shall be approved or authorized and confirmed by said council by ordinance duly passed and approved.

When lawful indebtedness for improvements has been incurred, payment shall be valid.

Proviso.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved May 1, 1894.

## CHAPTER CXIV.

An Act relative to the lighting of streets, roads and public places in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of authority of any city, county, town or township of this state, charged with the duty of lighting the streets, roads and public places of such municipality, or now exercising such authority, be and it is hereby vested on behalf of said municipality with the duty of making such contract or contracts for lighting the streets, roads and public places in such municipality for such term not exceeding five years, as in the judgment of said board of authority shall be deemed for the best interest of such municipality ; and the board of authority in any such municipality, having the power, and charged with the duty of making and adopting the annual tax levy or tax ordinance of said municipality, shall appropriate the necessary amount each year to pay the cost of such lighting or the fulfillment of any such contract or contracts.

Governing  
body shall  
make contract  
for lighting.

Appropriation  
shall be made  
to pay for same

2. *And be it enacted*, That any contract heretofore entered into by any city, county, town or township in this state for the lighting of public streets, roads and public places thereof for any period not exceeding ten years shall be as valid and effectual as if the same had been entered into and made pursuant to legislative authority for such term ; and it shall be the duty of the board or authority in such municipality charged with the duty of making and adopting the annual tax levy or tax ordinance of such municipality to appropriate the amount necessary each year to pay the cost of such lighting and the fulfillment of any such contract or contracts heretofore made.

Previous con-  
tracts shall be  
valid.

3. *And be it enacted*, That the provisions of this bill shall not apply to any city, county, town or township in this state having a population of less than twelve thousand inhabitants, according to the last state or federal census.

When law  
shall not apply

4. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved May 1, 1894.

## CHAPTER CXV.

An Act respecting licenses in the boroughs of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council, common council or other governing body in any borough of this state, to make and establish ordinances for the following purposes, namely: to license and regulate the owners and drivers of express wagons, trucks, hacks, carts, omnibuses, stages, and all other carriages and vehicles used for the transportation of passengers, baggage, merchandise and goods and chattels of every kind; also to license and regulate the owners and drivers of all vehicles used in connection with any business or occupation for the purpose of soliciting orders or delivering goods within the limits of the municipality; also to license and regulate all common criers, hawkers, peddlers, pawnbrokers, junk wagons, news stands, sweeps, scavengers, traveling and other street shows, street exhibitions, parades, circuses, concerts, theaters, skating rinks, merry go-rounds, observation wheels, round-a-bouts, razzle-dazzles or circular swings, organ grinders, itinerant venders of medicines and remedies and merchandise, and to fix the license fees to be paid therefor, which may be imposed for the purpose of revenue; and also to designate and locate stands and places which hackmen, cartmen and all other persons engaged in carrying passengers, baggage and merchandise shall be privileged to occupy when soliciting business, and to prevent the occupying of other places for such purpose, and to fix and prescribe penalties for the violation of any such ordinance or section thereof, in a sum not less than ten dollars or more than one hundred dollars, as may be designated by such governing body.

Governing body may establish ordinances regulating licenses, for wagons, hacks, peddlers, shows, &c.

And fix fees, locate stands, &c., and prevent occupation of other places.

May fix penalties for violation of ordinance.

2. *And be it enacted*, That the mayor of any such borough the police justice or any justice of the peace of the county is hereby empowered, upon oath or affirmation made according to law, that any person or persons have or may have violated any section of the ordinance or of the ordi-

Mayor may  
issue process  
against viola-  
tors of ordi-  
nance.

Mayor or po-  
lice justice  
may hear and  
determine case

Form of pro-  
ceedings.

Penalty.

Defendant  
may have ap-  
peal to com-  
mon pleas.

Form of pro-  
ceedings.

Appeal to com-  
mon pleas  
shall be final.

nances of such borough adopted under this law, to issue process in the nature of a summons or warrant in an action upon contract, at the suit of said borough against the person so charged, which process shall, when in the nature of a warrant be returnable forthwith, and when in the nature of a summons shall be returnable in not less than one or more than ten days; such process shall state what section of the ordinance is alleged to have been violated by the defendant or defendants, and on the return of such process, or at any time for which the trial may be adjourned, the said mayor, police justice or justice of the peace shall proceed to hear the testimony and to determine and give judgment in the matter without filing any pleadings, and a copy of the ordinance or section of the ordinance alleged to have been violated, certified to under the hand of the clerk of said borough, shall be taken as full and legal proof of the existence of such ordinance, and that all the requirements of law in relation to the ordaining, publishing and making the same, so as to make the same legal and binding, have been complied with, unless the contrary be shown; and if the said mayor, police justice or justice of the peace shall find the defendant guilty, he shall give judgment for the penalty mentioned in the ordinance or section of the ordinance violated, and such costs as are allowed in the justice's court for like proceedings; and shall also at the same time and as a part of said judgment sentence the defendant, in default of the payment of the judgment and costs, to the county jail for any period not exceeding twenty days, in his discretion; either party shall have the right of appeal to the court of common pleas at any time within ten days from the date of judgment, upon giving a bond in double the amount of the judgment and costs, with two responsible freeholders, securities, residents of the county; a commitment however, may issue at any time before the taking of appeal, for the imprisonment of the defendant, which shall be vacated either by appeal or by payment of the judgment and costs; the summons, warrant, commitment and all other writs herein requiring serving may be served by either the marshal of said borough or any constable.

3. *And be it enacted*, That where the mayor, police justice or justice of the peace has jurisdiction, no judgment rendered in any suit brought for the recovery of any penalty

under this act or under any ordinance passed by authority hereof shall be removed to the supreme court or circuit court, by certiorari or otherwise, for the correction of any supposed error therein, but the party thinking himself aggrieved shall have relief upon the appeal only, and that both as to matter of law and matter of fact.

4. *And be it enacted*, That any borough of this state shall have the right to pass and enforce ordinances under the provisions of this act, notwithstanding that powers for like purpose may have been delegated to them in the act under which they are incorporated or the supplement thereto.

Any borough  
may operate  
under this act.

5. *And be it enacted*, That this act shall take effect immediately.

Approved May 1, 1894.

## CHAPTER CXVI.

An Act to facilitate judicial proceedings in counties of the second class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the courts of common pleas, oyer and terminer and general jail delivery, general quarter sessions of the peace and orphans' courts, in and for the several counties of this state of the second class, shall hereafter consist of one law judge and two lay judges in addition to the justices of the supreme court holding the circuit for said county, and the said law judge shall be a counselor-at-law of this state of at least five years' standing, and in the absence of the justice of the supreme court he shall be the president judge of said courts of common pleas, oyer and terminer and general jail delivery, general quarter sessions of the peace and orphans' courts, and shall have in all matters within the jurisdiction of the said several courts the exclusive power and authority to settle and determine all legal questions and matters of practice.

How certain  
courts in shall  
be composed.

In absence of  
supreme court  
justice, law  
judge shall  
preside.

2. *And be it enacted*, That whenever any person shall be

Prisoner may  
waive indictment.

How trial court  
may be composed.

Proceedings.

Proviso.

Clerk of county  
shall be clerk  
of the court,  
issue process,  
&c.

charged upon oath before any officer authorized to hear the same in any of said counties, with any offence now triable by law before the court of general quarter sessions of the peace, and such person shall, in writing, signed by him or her, addressed to the prosecutor of the pleas, waive indictment and trial by jury, and request to be tried immediately, it shall be the duty of said prosecutor, unless he shall think the public interest will be benefited by denying said request, to apply to said law judge for the immediate trial of said person, and the said law judge shall thereupon in his discretion call a court of special sessions, to be composed of himself and at least one other judge of said county, which court is hereby empowered and required to try such person with all due speed, having due regard to the circumstances of the case, the public interest and the possibility of obtaining necessary witnesses to determine the guilt or innocence of the person charged; if such a person be acquitted by the said court, he or she shall be forthwith discharged; if he or she shall plead guilty or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, or both, as shall be authorized by the law, in case such person had been duly indicted and convicted; and it shall be the duty of said prosecutor (in person or by deputy) to attend upon said trial, prefer to said court an allegation in writing alleging the time and place and nature of the offense with which such person is charged, and to which said person shall forthwith plead, and the proceedings for bringing such person for trial before such court, the accusation, place, trial and sentence shall be in conformity with the law and practice heretofore, except as the same are altered by this act, and the cost of all proceedings in said court under this act shall be taxed and paid in the same manner as costs of proceedings and indictments found in courts of oyer and terminer and general jail delivery of said county are now taxed and paid; *provided*, that hereafter no person charged with larceny shall be tried otherwise than before said court of special sessions hereby provided for, or on regular indictment, according to the usual course of proceedings at law.

3. *And be it enacted*, That the respective clerks of said counties shall be the clerks of said courts of special sessions and shall issue all process, whether of capias, subpoena or execution, which shall be required in carrying out the



provisions of this act, which process shall be delivered to the respective sheriffs of the said counties, and shall be by them served and returned under the same regulations and penalties, and with the same compensation as heretofore; and the said sheriffs shall be the officers of said courts, and exercise the same supervision and direction of all constables and subordinate officers attending said courts, and in all things pertaining to the office, as heretofore. Sheriff shall be officer of the court.

4. *And be it enacted*, That said law judges shall each receive such compensation and salary as is now provided by law, payable in monthly payments by the respective county collectors of said counties, but shall receive no share of the fees which are divided among or paid to the judges of the court of common pleas or orphans' court. Compensation of judges.

5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately; *provided, however*, that nothing herein shall operate to repeal or modify any of the acts whereby law judges have been heretofore provided for in any of the counties of this state. Repealer. Proviso.

Approved May 1, 1894.

## CHAPTER CXVII.

A Further Supplement to an act entitled "An act to provide for the establishment of an agricultural experiment station," approved March tenth, one thousand eight hundred and eighty.

Bulletins of  
shall be paid  
for on warrant  
of comptroller.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the expenses incurred by the board of managers of the New Jersey agricultural experiment station—in printing the bulletins issued from said station, containing analyses of fertilizers, fodders, feeds, soils, and so forth, the results of investigations in feeding animals, in testing the adaptability of soils and manures for the various cereal, fruit and vegetable crops, and such other results of investigations as may be deemed by the board of managers to be of immediate usefulness to the citizens of the state—when presented to the comptroller of the state, accompanied by the proper vouchers, duly certified by the president and secretary of the board of managers, shall, upon warrant of said comptroller, be paid out of the state treasury, said sum not to exceed one thousand five hundred dollars.

In addition to  
annual appro-  
priation.

2. *And be it enacted*, That such payments shall be in addition to the annual appropriation now made for the payment of the expenses of said station.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 1, 1894.

## CHAPTER CXIX.

An Act to amend an act entitled "An act to provide for drainage and sewerage in cities of this state," approved April seventh, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act above mentioned, to which this act is amendatory, be and the same hereby is amended so as to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state to provide for and cause to be constructed sewers and drains, or a system of sewerage and drainage, or either or any of them, in the manner herein provided ; *provided*, that the owners of at least one-half in value of the real estate in said city, as shown by the assessors' books, have petitioned or shall petition its common council so to do ; *and provided further*, that after one such petition shall have been presented, no further petition shall be necessary to enable such city or its common council to make any improvement or improvements under this act.

Cities may construct sewers and drains.

Proviso.

Proviso.

2. *And be it enacted*, that this act shall take effect immediately.

Approved May 1, 1894.

## CHAPTER CXX.

A Further Supplement to an act entitled "An Act to complete the geological survey of the state," approved March thirtieth, one thousand eight hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state geologist, under the direction of the board of managers of the geological survey, and with the assistance of a competent botanist to be selected by said board for his expert knowledge of forestry and of the forest trees of this state, and such other expert assistance as may be required for the purpose, shall make an investigation to ascertain the extent, character and location of the wild lands in this state which are suited for permanent occupation by forests rather than by agriculture, and shall report the results of such investigation to the legislature, together with a statement of what part or parts of such lands would be suitable for a state forest reserve, and the advantages as regards the timber-supply, water supply, scenery and climate of the state, which would accrue from the conservation of existing forests by the establishment of such reserve or otherwise; the investigation so to be made shall determine the extent to which forests of timber of commercial value now exist in the state, and include a study of the localities and areas which are specially adapted to the growth of designated kinds of timber of commercial value; it shall also include an examination as to the presence or absence of forest cover upon the slopes and summits of the more important water-sheds of the state, and a study of the effect of such conditions as now exist upon the maintenance of the streams therein and the regulation of the freshet-flow thereof; the report to the legislature shall state the arguments touching the beneficial effect, upon climate and rainfall attributable to the presence of forests, and shall likewise present an outline of the policy and legislation of other states and countries for the preservation of forests and their regulation for public ends, so far as the same may be applicable to this state.

Managers may  
appoint ex-  
pert assistance

Geologist shall  
report results  
and statement  
to legislature.

What state-  
ment shall in-  
clude.

Also state  
argument  
relative to cli-  
mate, rainfall,  
&c.

2. *And be it enacted*, That the expense of making such investigation and report, shall, when duly audited by the board of managers and approved by the governor and comptroller, be paid out of any funds in the treasury not otherwise appropriated, and shall be limited to five thousand dollars. Expenses shall be audited and paid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 1, 1894.

## CHAPTER CXXI

An Act providing for the appointment of commissioners to assist in the establishment of the Chickamauga and Chattanooga national military park, and for the payment of the expenses of the same.

WHEREAS, Congress has purchased the battlefield of Chickamauga and established the Chickamauga and Chattanooga national military park ; *and whereas*, the states of Georgia and Tennessee have ceded the roads through this field and over Lookout mountain and along the crest of Missionary ridge as approaches to and a part of said park ; *and whereas*, a commission appointed by the secretary of war is now engaged in locating both the union and confederate lines of battle ; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be and he is hereby authorized to appoint a commission consisting of two gentlemen, veterans, each of whom participated in the campaign of Chattanooga, who shall serve without pay, and whose duty it shall be to co-operate with the national commission in ascertaining and marking the positions occupied in these battles by each regiment, battery and independent organization from the state of New Jersey which were engaged in that campaign ; and for this purpose Governor to appoint commission, whoshall serve without pay.

they shall avail themselves of the knowledge and assistance of representatives of such regiments, batteries and other organizations and shall make report to the governor.

Appropriation  
for expenses.

2. *And be it enacted*, That for the purpose of meeting the traveling and other necessary expenses of said commission the sum of four hundred dollars is hereby appropriated, which sum shall be paid from any moneys remaining in the state treasury not otherwise appropriated.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 1, 1894.

## CHAPTER CXXII.

A Supplement to an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six.

Supplement  
repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "A supplement to an act entitled 'An act concerning savings banks,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was approved April tenth, one thousand eight hundred and eighty-five, be and the said supplement is hereby repealed.

By-laws may  
fix quorum.

2. *And be it enacted*, That the by-laws of the board of managers of any savings bank in this state may fix the number that shall constitute a quorum of the board for the transaction of business; *provided*, that said number so fixed shall not be less than a majority of the whole board.

Previso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 1, 1894.

## CHAPTER CXXIII.

An Act providing for the changing of the name of any avenue, street or highway in any township or borough of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.* That when two thirds of the owners of real estate along the line of any avenue, street or highway in any township or borough of this state, shall petition the common council or other governing body of any such township or borough to change the name of such avenue, street or highway therein, it shall be the duty of such common council or other governing body thereupon to pass an ordinance changing the name of such avenue, street or highway to the name designated and prayed for in such petition. How name may be changed.

2. *And be it enacted,* That this act shall take effect immediately.

Approved May 1, 1894.

## CHAPTER CXXIV.

## An Act concerning street railroads.

When charters  
for may be de-  
clared void.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any corporation having heretofore been authorized and empowered to construct a railroad in any of the streets of any village in this state, and not having exercised such right for a period of ten years or more, such corporation shall proceed to construct and complete its road within one year from and after the passage of this act, or, upon failure or neglect so to do, all such rights acquired by any such corporation as aforesaid shall cease, determine and be void.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved May 1, 1894.



## CHAPTER CXXV.

An Act to regulate the construction of street railroads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or corporation now having the right, or hereafter acquiring the right to lay down and construct a railroad in any of the streets within the corporate limits of any village in this state shall, before proceeding with the construction of said railroad, submit to the governing body of any such village the plan or system proposed to be used, which plan or system must be approved of by said governing body of any such village before such person or corporation shall be permitted to proceed with the laying down and constructing of any such railroad. Plans shall be approved before construction is begun.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

3. *And be it enacted*, That this act be deemed a public act and shall take effect immediately.

Approved May 1, 1894.

## CHAPTER CXXVIII.

An Act to amend an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four.

Section amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of the act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four be and the same is hereby amended so as to read as follows :

Clerk shall deliver copy of assessment to collector. Collector shall demand payment. 9. *And be it enacted*, That within five days after the assessment shall have been confirmed and entered in the minutes as aforesaid, the township clerk shall deliver a certified copy of the same to the collector of taxes in such township, who shall, within fifteen days after receiving the same, demand payment of the sum so assessed upon the owner or owners of each lot of land by delivering to the owner of each lot, or to one of the owners of each lot, residing within his township, or by leaving at the place of residence of any owner residing within his township, or by delivering to the agent of any such owner or owners a notice in writing, or printed, which notice shall set forth the names or names of the owner or owners, a brief description of the location of such lot, the amount of the assessment, and the time when the same shall become due and payable, and if any owner or owners shall reside out of his township the said collector shall within the same time, send a like notice to him, her or them, by mail, with postage prepaid, directed to his, her or their last known post-office address ; *provided*, that the provisions of this act shall not apply to townships in counties having less than seventy thousand inhabitants.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and they are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 1, 1894.

## CHAPTER CXXIX.

An Act further amending an act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any religious society of the denomination known as Baptists shall have met under and pursuant to the provisions of the first section of the act to which this is a supplement, and elected a certain number of the said society to be trustees, and which trustees shall thereafter pursuant to the provisions of the second section of said act have become a corporation, and the said society shall desire thereafter to increase the number of such trustees, it shall and may be lawful for such society, at any election to be held for trustees pursuant to the provisions of the fourth section of said act, to elect an additional number of persons as trustees not to exceed fifteen in all; *provided*, Baptist societies may increase number of trustees. *Provido.* that notice of the intention to elect such additional number shall have been given in the manner and for the length of time prescribed in the first section of said act for the original election of trustees.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 1, 1894.

## CHAPTER CXXX.

An Act to amend an act entitled "An act for the prevention of cruelty to animals," approved March eleventh, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of the act to which this is amendatory, shall read as follows :
5. *And be it enacted*, That whenever any animal or creature is found on the highway or elsewhere, whether abandoned or not, in a maimed, sick, infirm or disabled condition, it shall be lawful for any justice of the peace, or sheriff of the county, or agent of the New Jersey society for the prevention of cruelty to animals in this state, to appoint a suitable person to examine and destroy such animal or creature if unfit for further use ; and if any maimed, sick, infirm or disabled animal or creature shall be abandoned to die by any person in any public place, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as is provided in section thirteen of this act ; and the animal or creature thus abandoned, if fit for further use, may be advertised and sold in such manner as any justice of the peace or agent of the New Jersey society for the prevention of cruelty to animals may direct, and the proceeds, after deducting expenses, shall be paid to the district society for the prevention of cruelty to animals, if one is in existence in the county ; if not, then to the New Jersey society for the prevention of cruelty to animals.

Section amended.

Person may be appointed to destroy sick or disabled animal.

Person abandoning such animal may be punished.

Animal may be sold.

Approved May 1, 1894.

## CHAPTER CXXXI

An Act to enable township committees, or the governing bodies of any boroughs, towns, villages or improvement commissions in towns and villages, or within townships in this state, to pass and enforce their ordinances respecting the use of broad tires on wagons and carts upon their macadamized public streets and to collect the penalty for the violation thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any township committee or other governing body of any borough, town, village or improvement commission to pass all necessary ordinances requiring the use of broad tires, but not more than four inches in width, upon all coal, express, lumber, brick or other draft wagons or carts, carrying fifteen hundred pounds or over, used upon any of the macadamized public streets, within the limits of the jurisdiction of said township, borough, town, village or improvement commission, and to enforce the observance of such ordinances by a penalty for the violation thereof by a fine not exceeding twenty dollars for each offense ; *provided, however*, that no ordinance or penalty herein authorized shall take effect until six months after the passage and publication in a newspaper circulating in said township, borough, town, village or improvement commission of such ordinance, and shall not be applicable to wagons and carts transiently passing through the limits of said township, borough, town, village or improvement commission and not owned or permanently used therein.

Use of broad tires may be enforced by ordinance.

Proviso.

2. *And be it enacted*, That this act shall take effect July first, one thousand eight hundred and ninety-five.

Approved May 1, 1894.

## CHAPTER CXXXII.

An Act authorizing township committees of townships in which there may be a water-supply furnished by public or private water works, to raise and pay moneys for the preparation of surveys, plans and estimates for sewerage and drainage.

Townships  
may construct  
sewers.

Limitation of  
taxation.

May borrow  
money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state in which there may be a supply of water furnished by public or private water works, it shall be lawful for the township committee to cause to be made surveys, plans and estimates by competent engineers and mechanics or contractors sufficient to demonstrate a practicable and efficient system of sewerage or drainage, or both, for such township, including the disposition of house sewage or waste, or both, and to appropriate a sum of money to pay for such surveys, plans and estimates not exceeding the sum of five hundred dollars during one year; and the township committee is hereby authorized to borrow the amount so appropriated in anticipation of taxes to be levied, and to cause the same to be raised in the tax levy next thereafter.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 1, 1894.

## CHAPTER CXXXIII.

A supplement to an act entitled "An act for the protection of bridges in this state," passed February twenty-seventh, one thousand eight hundred and thirty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be and the same is hereby amended so as to read as follows . Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person having command of any vessel shall come within ten rods of any drawbridge without first lowering his sails so as to prevent said vessel from coming against such bridge, until it is opened, so that the said vessel can pass gently through, without doing any damage to such bridge ; or if any person shall open any draw and keep it open more than fifteen minutes, when not absolutely necessary for the passage of some vessel or boat through the same, or shall cut, remove or destroy any piece or pieces of timber, plank or planks, post or posts, piles or piles, or any stonework, belonging to or a part of such bridge or draw, or otherwise willfully damage or do any act which may have a tendency to injure such bridge or draw ; or if any person having command of any steamboat, tugboat or other vessel or boat, shall at any time make fast to or lay any steamboat, tugboat, vessel or boat alongside of such bridge, or of any wing thereof, or in the draw thereof, for the purpose of loading or unloading, or for any purpose whatever, except of passing through the same, he or they so offending shall forfeit and pay a penalty of not less than twenty dollars, nor more than fifty dollars, besides all damages that may be done to such bridge. Penalty for approaching opening or keeping open draw.

2. *And be it enacted*, That every justice of the peace and recorder in any county where the offense is committed is hereby empowered, on the affidavit of one or more persons made according to law, that any person or persons has or Justices of peace and recorder may have cognizance.

Proceedings.

Offender may  
be committed  
on failure to  
pay penalty.

Repealer.

have violated any provision of this act, by warrant under his hand and seal directed to any constable or constables of the county, to cause such person or persons so charged to be arrested and brought before him for trial ; and the said justice or recorder shall have power to adjourn said trial from time to time, and to require the person or persons so charged to give bail to appear for trial at such time as said justice or recorder shall appoint, and on the return of said warrant, or at the time so appointed, the said justice or recorder shall hear the proofs and determine the guilt or innocence of the person or persons so charged, and upon the conviction of the person or persons so charged shall impose a penalty upon the person so convicted of not less than twenty dollars and not more than fifty dollars ; and if any person so convicted shall fail to pay the penalty so imposed, together with the costs of the prosecution, the said justice or recorder may commit the offender to the common jail of the county for a period of not more than twenty days ; and all penalties recovered under this act shall be paid to the county collector for the use of the county.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved May 1, 1894.



## CHAPTER CXXXIV.

A Supplement to an act entitled "An act for the incorporation of safe deposits and trust companies," approved April twentieth, one thousand eight hundred and eighty five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any party of whom a bond or undertaking is required to agree with his sureties for the deposit of any or all moneys for which such sureties are or may be held responsible with a trust company authorized by law to receive deposits, if such deposit is otherwise proper, and for the safe keeping of any or all other depositable assets for which such sureties may be held responsible, with a safe deposit company authorized by law to do business as such, in such a manner as to prevent the withdrawal of such moneys and assets, or any part thereof, except with the written consent of such sureties or an order of the court made on such notice to them as it may direct

Persons giving  
bond may  
agree for de-  
posit with trust  
company.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved May 1, 1894.

## CHAPTER CXXXV.

An Act to amend an act entitled "A supplement to an act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five, which said supplement was approved March eighth, anno domini one thousand eight hundred and seventy-seven.

Section  
amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "A supplement to an act entitled 'An act concerning corporations,'" approved April seventh, one thousand eight hundred and seventy-five, which said supplement was approved March eighth, one thousand eight hundred and seventy-seven, be and the same is hereby amended to read as follows:

All corporations shall file list of managers, directors, &c., and place of business, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of all corporations which may now or hereafter be authorized to transact business in this state, whether organized under general or special laws, although such corporations may not be organized under the laws of this state, and they are hereby required to file on or before the thirtieth day of June next, and annually thereafter, within thirty days after the usual time of the annual election of directors, managers or trustees, and the officers therefor, whether such election shall have been held on the day fixed by law or not, in the department of state of this state, a complete list, duly authenticated by the signatures of the president and secretary, of the names of such directors, managers, trustees and officers, with the date of the election or appointment, term of office and residence of each, and also to designate the business and the location of the principal office or place of business of the company in this state, as also in the state where organized, and for this purpose it shall be the duty of the secretary of state to furnish blanks in proper form and to safely keep in his office all lists as filed, and issue to the company so filing his certificate thereof, and also to pre-

Secretary of State shall furnish blanks.

pare an alphabetical index thereto, which list and index shall be submitted to the inspection of persons interested at all proper hours ; and it shall further be his duty, during the month of April next, to cause a notice of the requirements of this act to be published three times in each of the papers in this state authorized to publish the laws : and every such corporation which shall not within ten days of the time herein fixed comply with the provisions of this act, shall forfeit the sum of two hundred dollars, one-half thereof to the use of the state of New Jersey and the other moiety to him who shall sue for the same, to be recovered by action of debt in any court of record, together with costs of suit ; *provided, however,* that where any corporation has heretofore filed or shall hereafter file a complete list of the officers, directors, managers, and so forth, as above required, within thirty days of the time herein fixed, and also prior to the service of the summons or other process in the commencement of any suit for the recovery of the forfeit herein named, then no action shall lie and no recovery shall be had on any suit heretofore or hereafter entered against any such corporation when such list shall be filed as in this proviso mentioned.

Notice shall be published.

Penalty.

Proviso.

2. *And be it enacted,* That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved May 1, 1894.

## CHAPTER CXXXVI.

An Act to amend an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one-thousand eight hundred and seventy-four.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eighty-one of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:

County super-  
intendent shall  
apportion  
school money.

81. *And be it enacted*, That it shall be the duty of the county superintendent of each county to apportion annually to the districts and cities of his county the state school moneys, together with the interest of the surplus revenue belonging to said county, and such other moneys as may be raised for school purposes upon the basis of the last published school census; *provided*, that all children residing in fractional districts situated in two or more adjoining townships shall be included in the census of that township in which the fraction containing the school-house is situated; *and provided also*, that no district shall receive less than two hundred and seventy dollars; that districts with thirty children but less than forty-five, shall receive three hundred and ten dollars, and that districts with forty-five children or more, shall receive not less than three hundred and seventy dollars.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 2, 1894.

## CHAPTER CXXXVII.

Supplement to an act entitled "An act relative to morgues and morgue-keepers," approved March fourth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the above entitled act be and the same is hereby amended to read as follows: Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the judges of the court of common pleas of the several counties of this state, when they shall by a majority vote so determine, to designate a place or places of proper character, and furnished with sufficient accommodation and appliances, as a public morgue or morgues for said county not to exceed three in number in any county; in designating such place or places they shall first select the city or cities within the county and afterwards such other place or places as in their opinion may be necessary; *provided*, that this act shall apply only to such counties as have within their limits a city or cities of more than four thousand inhabitants by the last state census. Common Pleas Judges may designate public morgues.

2. *And be it enacted*, That this act shall take effect immediately. Proviso.

Approved May 2, 1894.

## CHAPTER CXXXVIII.

An Act to set off borough commissions from the townships in which they are located and providing for their government.

- Borough commissions shall be set off.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those portions of the townships of this state containing a borough commission, comprised within the limits of such borough commissions, shall be and hereby are set off from said townships and erected into separate and distinct municipalities.
- Constituted separate election districts.** 2. *And be it enacted*, That such borough commissions so set off shall be and are hereby constituted separate election districts, and the persons qualified to vote shall elect, at the times fixed for the borough elections, the election officers required by the statutes regulating elections.
- Officers to be elected.** 3. *And be it enacted*, That at the time fixed for the said borough elections there shall be elected by ballot, in addition to the officers now or hereafter required to be elected in the said borough commission, an assessor, a collector, one chosen freeholder, one justice of the peace, three commissioners of appeal, one overseer of the poor, one pound-keeper and one constable, and the voters shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for road and street purposes, the amount of dog tax and all other money necessary for borough purposes ; *provided however*, that the amount of money to be so raised shall not exceed the limits now or hereafter imposed by law on borough commissions, and the officers so as aforesaid elected shall qualify in the same manner, be under and subject to the same duties, obligations and penalties, have and perform the same powers and authority and receive the same fees and compensation as are imposed upon and given to like officers in the several townships in this state.
- Shall designate moneys to be raised, &c**
- Proviso.** 4. *And be it enacted*, That the board of commissioners in any such borough commission shall, in addition to the
- Powers of commission ers.**

powers, duties and penalties now or hereafter imposed by law, enjoy the same privileges, have the same power and authority, perform the same duties and be subject to the same penalties and obligations which now or hereafter may be vested in or imposed upon the members of the township committees of the several townships in this state.

5. *And be it enacted*, That such borough commission so set off as aforesaid shall be subject to its just and equitable proportion of all debts and obligations to which the inhabitants of the township where it is located are subject, and be entitled to its just and equitable proportion of the money and other property belonging to the inhabitants of said township, which said debts and liabilities and also said moneys and property shall be divided between such borough commission and the said township in proportion to the taxable property and ratables as taxed by the assessor of said township at the last assessment made before the election ordered to determine whether said borough commission shall be separate from said township within the respective limits of said township and borough commission, and any money or property to which the said borough commissions may be so entitled shall be applied by the borough commissioners of said borough for the use therein.

Commission shall be liable for just proportion of debt, and entitled to equitable share of money, &c.

6. *And be it enacted*, That the three members of the township committee of the township in which such borough commission shall be located, and a committee of three of the members of the board of commissioners in such borough commission, appointed for that purpose by the president of said board, shall meet at such time and place as shall be designated by the said board of commissioners of such borough commission; thirty days' notice in writing of which meeting, signed by such president, shall be served on the clerk of such township personally, or by leaving it at his residence or place of abode, and shall at the time and place so designated, or so soon thereafter as may be, proceed to allot and divide between the township and such borough commission the assets and liabilities of said township in the manner prescribed in the preceding section, and such borough commission and township shall be liable to pay their respective proportion of the debts due by the said township at the time that the allotment and division aforesaid are made, and the said committees so meeting as aforesaid, or a majority of each of them, shall make, under

Committee to allot and divide property, &c.

- Shall make re-  
port of pro-  
ceedings. their hands and seals, a full, true and complete report of their proceedings and file the same in the office of the clerk of the county in which such township may be situate; which said report, or a certified copy thereof, shall be plenary evidence of the allotment and division aforesaid; and in case any of the members of the said committees shall neglect or refuse to meet as aforesaid, those who do meet may proceed to make such allotment and division, and the decision and report of a majority of each committee present shall be final and conclusive; *provided*, that it shall be lawful for said joint committee to adjourn from time to time, as a majority shall determine.
- Members of  
committee  
present may  
proceed.
- Proviso.
- Election shall  
determine  
separation.
7. *And be it enacted*, That this act shall not apply to any borough commission until it has been determined by a majority of votes at an election held under the order mentioned in the next section of this act that said borough commission shall separate from said township.
8. *And be it enacted*, That upon application by a petition signed by ten or more residents and freeholders of any borough commission of this state, the justice of the supreme court holding court in and for the county within which such borough commission is situate shall order an election to be held to determine whether said borough commission shall be separated and set off from the township within which it is located; that the order for such election shall designate the place or places in said borough commission where such election is to be held and the time for holding the same, which shall be within one month from the date of said order; that the applicants for said order shall cause notice of the time and place of such intended application to be given by publishing such notice in two newspapers published and circulated in the county in which said borough commission is situate at least one week next before said application is made; that the oaths or affirmations of said applicants attached to said petition that they are residents and freeholders of said borough commission shall be prima facie evidence of that fact; that a copy of said order shall be published once a week for two weeks prior to such election in two newspapers published in the county within which said township is located, and such other notice of said election given as said order may direct; that all such elections shall be conducted in the same manner and under the same regulations as are now or may hereafter be pre-
- Court shall or-  
der election.
- Notice of ap-  
plication shall  
be published.
- Proceedings.



scribed for holding elections in the borough commissions of this state.

9. *And be it enacted*, That it shall be the duty of the election officers to conduct the election, to canvass all the votes cast, to declare the result and to certify under their hands the result of such election to the clerk of the county in which such election is held, which certificate shall contain a recital of the order under which the election was held. Election officers shall conduct election and certify result.

10. *And be it enacted*, That all persons voting at the election so ordered who are in favor of the separation of the borough commission from the township shall have written or printed, or partly written or printed, on the ballots "For separation," and all who are against such separation shall have written or printed, or partly written or printed, on the ballots "Against separation;" if a majority of the votes cast at said election have on them "For separation," then it shall be taken as determined that the borough commission for and on account of which the application for the order for the election was made shall be separated from the township in which it is located. Ballots.

11. *And be it enacted*, That all acts and parts of acts, general and special, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved May 2, 1894.

## CHAPTER CXXXIX.

A Supplement to the act entitled "An act to incorporate associations, societies or clubs for social, intellectual and recreative purposes," approved March twenty-seventh, one thousand eight hundred and seventy-eight.

Trustees, How  
chosen and  
qualified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the officers of any association, society or club organized for social, intellectual and recreative purposes, under the act to which this is a supplement, now existing or hereafter to be incorporated, may elect two persons, laymen, eligible for membership of the association, society or club, who, together with the Roman Catholic bishop of the diocese in which said association, society or club may be, and the pastor or clergyman-in-chief of any Roman Catholic church in the city, town or borough in which said association, society or club is situated, and a fifth trustee, to be chosen by said bishop and said pastor from the lay members of such association, society or club, shall be and constitute a board of trustees of the said association, society or club, and shall be a body politic and corporate in law by the name of the trustees of "the ——— association," society or club (the blank to be filled according to the proper name of the association), upon filing in the office of the clerk of the court of common pleas of the county in which such association, society or club may be situated, a certified copy of the proceedings of said election by the officers and the written acceptance of the offices by the persons so elected and chosen, the said bishop and the said pastor, and signed by their names and acknowledged before any officer authorized to take the acknowledgment of deeds within this state; and it shall be the duty of the clerk of said court to record the same immediately, for which he shall be entitled to receive one dollar.

2. *And be it enacted*, That the said board of trustees, by their said corporate name, be capable to acquire by pur-

chase, gift, grant, devise, bequest or otherwise, and to hold any personal or real estate or property for the uses of the said association, society or club, and, with the consent of the officers thereof, the same or any part thereof to sell, grant, assign, mortgage, alien and dispose of; to sue and be sued, plead and be impleaded, to make and use a common seal and the same to alter or renew; and to make by-laws and rules not inconsistent with the laws of this state, the constitution of the United States and that of the state of New Jersey, for the management of its business and affairs, the convening or holding of its meetings, and election or appointment, powers, duties and removal of its officers and agents, and to alter, amend or repeal the same at pleasure.

May hold real and personal estate and dispose thereof.

May sue, &c.

3. *And be it enacted*, That for the purpose of perpetuating the line of succession of the trustees of such association, society or club, whenever a vacancy shall occur in such board of trustees, occasioned by the death or resignation of either of the two elected trustees, or his moving out of the limits of the said association, the same shall be filled by a majority vote of the remaining trustees by the election to such vacancy of some person, a layman, who shall be similarly eligible for membership of said association, society or club; and in case of the death or removal from the said diocese of such bishop, the vacancy occasioned thereby shall be supplied without further act or election by his successor as bishop of said diocese, who shall at once become trustee; and in case of vacancy occurring by reason of the death, resignation or removal of such pastor, such vacancy shall be supplied without further act or election by the successor of the deceased, resigned or transferred pastor, who shall at once become trustee; and in case of a vacancy occurring in the case of the fifth trustee so to be chosen by the bishop and pastor, by death, resignation or removal out of the limits of the said association, such vacancy shall be filled by said bishop and pastor by a similar choice from the lay members as aforesaid.

How vacancies shall be filled.

4. *And be it enacted*, That the said bishop of such diocese shall be ex-officio the president of the board of trustees, and that such pastor shall be the vice president of the board of trustees, and said president, or in his absence said vice president is hereby authorized to convene the board as action may require, and to preside at all meetings of the board, and to execute for and in the name of the board of

Bishop ex-officio president and pastor vice president.

trustees all contracts, deeds, leases, mortgages and other instruments which shall be required to be executed by said board.

Board shall elect officers, &c.

5. *And be it enacted*, That the board of trustees shall elect or appoint, as soon after their election as practicable, from their own number, a secretary and treasurer, and may also appoint such other officers or agents as the said board may from time to time deem expedient ; the proceedings, orders and acts of four of the trustees for the time being, but not of a less number, except to fill a vacancy, shall be valid and effectual in law.

Shall hold property, &c., for sole use and purpose of association.

6. *And be it enacted*, That the board of trustees shall devote the property held by said board, real and personal, and the income thereof, to the purposes of the association, society or club, and to no other purpose whatever ; and so long as the officers of the said association, society or club shall so expend the same, the board of trustees shall pay over to the said officers the income of the property, real and personal, of the association, society or club ; in the discharge of the duties of the board of trustees it may, in its discretion, constitute the finance, auditing, executive committee, or other committee having charge of the finances of the said association, society or club, its agents for the repairs, renting and collection of the rents of the property of the association, society or club, or of the property held by the said board of trustees for the use of the said association, society or club.

Associations already organized may reorganize under this act.

7. *And be it enacted*, That any such association, society or club availing itself of the benefits of this act and having at that time property, real or personal, shall convey and assign the same to the board of trustees constituted by authority of this act to be held by the said board of trustees for the use of the said association, society or club, in the same manner and with the same powers and duties in regard thereto as are provided in section two of this act.

8. *And be it enacted*, That this act shall take effect immediately.

Approved May 2, 1894.

## CHAPTER CXL.

A Further Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred of an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, be and the same is hereby amended so as to read as follows : Section amended.

100. *And be it enacted*, That the several circuit courts of this state shall have jurisdiction to hear and determine all cases in which the election of any elective officer or officers of any county, city, borough, village, township or other municipality incorporated under any law of this state, may be contested, and for that purpose the said courts shall always be open, and such election shall be contested upon one or more of the grounds and be conducted in all things as set forth and provided for in and by the act to which this is a further supplement, and the supplements thereto ; *provided, however*, that such contest shall be commenced by the filing of the petition therefor within sixty days after any such election shall have been or may hereafter be held. Circuit court shall hear and determine contested elections in county, city or other municipality. Proviso.

2. *And be it enacted*, That this act shall be deemed a public act and take effect immediately, and all acts and parts of acts inconsistent herewith, be and the same are hereby repealed. Repealer.

Approved May 2, 1894.

## CHAPTER CXLI.

A Further Supplement to the act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

Insurance companies shall not discriminate between white and colored persons.

Applicable only to life insurance of residents.

Penalty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no life insurance company doing business in this state shall make any distinction or discrimination between white persons and colored persons, wholly or partially of African descent, as to the premiums or rates charged for policies upon the lives of such persons, or in any other manner whatever, nor shall any such company demand or require a greater premium from such colored persons than is, at that time, required by such company from white persons of the same age, sex, general condition of health and prospect of longevity; nor make or require any rebate, diminution or discount upon the amount to be paid on such policy in case of death of such colored person insured; nor insert in the policy any condition, nor make any stipulation whereby such person insured shall bind himself or his heirs, executors, administrators and assigns to accept any sum less than the full value or amount of such policy in case of a claim accruing thereon by reason of the death of such person insured, other than such as are imposed on white persons in similar cases; and any such stipulation or condition so made or inserted shall be void, but this act shall be applicable only to contracts of insurance issued on the lives of persons resident in this state at the time the application for such insurance shall be made, and nothing in this act shall be so construed as to require any agent or company to take or receive the application for insurance of any person or to issue a policy of insurance to any person.

2. *And be it enacted*, That the violation of any part of the first section of this act shall be deemed a misdemeanor, and the party or parties violating the same shall, upon

conviction thereof, be subject to a fine of not less than fifty dollars nor more than five hundred dollars.

3. *And be it enacted*, That this act shall take effect immediately.

Passed May 3, 1894.

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## CHAPTER CXLII.

An Act to repeal an act entitled "An act concerning the government of certain cities in this state and constituting a municipal board of public works and other officers therein, and defining the powers and duties of such boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such board, and providing for the maintenance of said board," which act was approved March twenty-third, one thousand eight hundred and ninety-two, and ending the terms of office of all persons appointed thereunder.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning the government of certain cities in this state and constituting a municipal board of public works and other officers therein, and defining the powers and duties of such boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such board, and providing for the maintenance of said board," which act was approved March twenty-third, one thousand eight hundred and ninety-two, be and the same is hereby repealed. Act repealed.

2. *And be it enacted*, That the term of any officer or officers appointed under and by virtue of said act be and the same is hereby ended. Terms of officers ended.

3. *And be it enacted*, That this act shall take effect on the eighth day of May, anno domini one thousand eight hundred and ninety-four.

Passed May 3, 1894.

## CHAPTER CXLIII.

An Act to provide for the payment of service and expenses of certain persons rendered in the election contest of one thousand eight hundred and ninety, between William H. Stuhr and Edward F. McDonald.

Amount appropriated to be in full payment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of two thousand nine hundred dollars be and the same is hereby appropriated to pay for the services and expenses of the following persons, namely: to Samuel B. Rose, of Atlantic City, eight hundred dollars; to Henry C. Garrison, of Swedesboro, eight hundred dollars; to John Graham, of Jersey City, eight hundred dollars, and to William S. Sharp, of Trenton, five hundred dollars, rendered and expended by them as officers of the senate committee on elections, by the direction of said committee, in the election contest between William H. Stuhr, contestant, and Edward F. McDonald, the sitting member, both claiming to be senators-elect from the county of Hudson, in this state; the said sums and amounts to be in full payment of all services rendered and expenses incurred by them in the said employment.

Treasurer directed to pay.

2. *And be it enacted*, That the treasurer of the state, on the warrant of the comptroller of the state, is directed to pay the said sums to the persons mentioned as aforesaid.

3. *And be it enacted*, That this act shall take effect immediately.

Passed May 3, 1894.



## CHAPTER CXLIV.

An Act to amend an act entitled "An act directing the descent of real estates," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of the act entitled "An act directing the descent of real estates" be amended so as to read as follows :

6 *And be it enacted*, That when any person shall die seized of any lands, tenements or hereditaments, as aforesaid, without devising the same in due form of law, and without lawful issue, and without leaving a brother or sister of the whole blood or half blood, or the issue of any such brother or sister, and without leaving a father or mother capable of inheriting by this act the said lands, tenements or hereditaments, and shall leave several persons all of equal degree of consanguinity to the person so seized, the said lands, tenements hereditaments shall then descend and go to the said several persons of equal degree of consanguinity to the person so seized as tenants in common, in equal parts, however remote from the person so seized the common degree of consanguinity may be, unless where such inheritance came to the said person so seized by descent, devise or gift of some one of his or her ancestors, in which case all those who are not of the blood of such ancestor shall be excluded from such inheritance if there be any person or persons in being of the blood of such ancestors capable of inheriting the said lands, tenements or hereditaments ; *provided, always*, that nothing contained in this act shall be construed or taken to bar or injure the rights or estate of a husband as a tenant by the curtesy or a widow's right of dower, or to make void, or in any way affect any marriage settlement ; *and provided, further*, that when any person has heretofore died, or shall hereafter die so seized of any lands, tenements or hereditaments as aforesaid, without devising the same in due form of law, and without leaving any person, as hereinbefore enumerated, capable of inheriting

Section amended.

How property shall descend.

Proviso.

Proviso.

Proviso.

the same, but leaving a husband or wife, the same shall descend and go to said husband or wife in fee simple; *and provided, further*, that nothing herein contained shall be operative or have any effect in any case or cases wherein any proceedings have been had or taken, or are now pending on behalf of the state, under and by virtue of the law as now existing, to escheat said lands; nor shall this act affect or in anywise impair any title to any land heretofore obtained under and by virtue of any proceedings heretofore had and taken in pursuance of law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 7, 1894.

## CHAPTER CXLV.

A Further Supplement to an act entitled "An act providing for the formation and government of towns," approved April twenty-fourth, one thousand eight hundred and eighty-eight.

Governing  
body may  
employ super-  
intendents of  
roads and  
sewers and  
prescribe their  
duties.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in any town incorporated under the act to which this is a supplement, or which may hereafter be incorporated under said act, it shall be lawful for the council or other governing body of said town to employ a suitable person to act as superintendent of roads and highways in said town and to employ the same or other suitable person, to act as superintendent of the sewers and drains of said town, who shall receive such compensation for his or their services respectively as the council may determine; the said superintendent of roads and superintendent of sewers and drains shall serve during the pleasure of the council and shall perform such duties as the council may by resolution or ordinance prescribe.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 7, 1894.

## CHAPTER CXLVI.

A Further Supplement to an act entitled "An act concerning juries" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-fourth section of the act to which this is a supplement be and the same is hereby amended so as to read as follows : Section amended.

24. *And be it enacted*, That when an order shall be made for a struck jury, the sheriff of the proper county, or other officer who ought to empanel the jury in such a case, shall deliver at a certain day and place, to the judge of the court before whom the jury is to be struck, a book containing the names of the several persons in his county qualified to serve as jurors, with their places of abode ; and the party applying for such struck jury, or his attorney, shall give six days' previous notice to the adverse party or his attorney, and to the judge, sheriff or other officer aforesaid, of the time and place of striking the said jury ; at which time and place the judge shall, in the presence of the parties or their agents or attorneys, or such of them as shall attend for that purpose, select and transcribe from the said book the names of forty-eight such persons, with their places of abode, as he shall think most impartial and indifferent between the parties, and best qualified as to talents, knowledge, integrity, firmness and independence of sentiment to try the said cause ; and thereupon the party applying for such jury, his agent or attorney shall first strike one of the said names, and then the adverse party, his agent or attorney shall strike out another, and so on, alternately, until each have stricken out twelve ; but if the adverse party shall not attend such striking nor any person in his behalf, then the said judge shall strike for him ; and when each shall have stricken out twelve as aforesaid, the remaining twenty-four shall be the jury to be returned to try the case ; or the said judge may in his discretion permit either party to make a copy of said list so selected by him and postpone the actual striking Proceedings on order for struck jury.

Judge shall  
certify list.

Jury how sum-  
moned.

In case of ne-  
glect or refusal

of said jury until a future day to be fixed by him not less than five nor more than ten days from the day of selecting the said list, at which time the said parties or their agents, or such of them as may attend for that purpose, shall proceed to strike the said jury in the manner herein above directed, or as directed in the twenty-fifth section of this act, as the case may require; and then the said judge shall thereupon make a fair copy of the names of the remaining twenty-four persons, with their places of abode, and certify the same under his hand to be the list of jurors struck as aforesaid for the trial of the said cause; which list shall be delivered to the sheriff or other officer who ought to summon such jury, together with the venire facias, by the person applying for such struck jury, his agent or attorney at least ten days previous to the time appointed for the trial of such cause, and such sheriff or other officer shall thereupon annex the same list to the said venire facias and return the same as the panel of the jury to try the said cause, and summon them according to the command of the said writ; and in case of neglect or refusal to deliver the list and venire aforesaid, the cause shall be tried by a common jury of the county, unless the court shall for some good cause determine otherwise.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 8, 1894.

## CHAPTER CXLVII.

A Supplement to an act entitled "An act to authorize common councils, boards of aldermen and other governing bodies in cities of the second class to change the date of their charter elections, to define the beginnings of the terms of officials thereafter elected, and extend the term of certain officials, so that the same will begin and end with the fiscal year in said city, approved March eighth, one thousand eight hundred and ninety-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this act is a supplement shall not extend or apply to the official terms of persons elected as members of the board of assessment and revision of taxes in cities where the official terms of such persons, by virtue of the provisions of the charters governing the same, commence at a time prior to the beginning of the fiscal year; and any ordinance heretofore passed in such cities under authority of such act, or otherwise, shall not affect the terms of office of said members of the board of assessment and revision of taxes. Shall not apply to certain officers.

2. *And be it enacted*, That all acts and parts of acts so far as the same are inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved May 8, 1894.

## CHAPTER CXLVIII.

A Further Supplement to an act entitled "An act for the formation and government of villages," approved February twenty-third, one thousand eight hundred and ninety-two.

Adjoining villages may be consolidated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if there be two or more villages comprising adjoining territory, such villages whether incorporated under and by the provisions of the act entitled "An act for the formation and government of villages," approved February twenty-third, one thousand eight hundred and ninety-one, and the act amendatory thereof, entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act for the formation and government of villages,' approved February twenty-third, one thousand eight hundred and ninety-one," which amendatory act was approved April eighth, one thousand eight hundred and ninety-two, or under and by any special act, such villages and others hereafter incorporated under this act, and comprising adjoining territory, may be consolidated into one village, to be after such consolidation governed by the provisions of this act.

Proceedings to hold election to determine.

2. *And be it enacted*, That when a petition signed by persons owning at least one fifth in value of the taxable real estate in each of the adjoining villages designated in the last preceding section, proposed to be consolidated, as the value of the taxable real estate shall appear upon the assessors' duplicates for the preceding tax levy, present a petition addressed to the law judge of the court of common pleas in and for the county wherein said adjoining villages are situated, and if such county have no law judge, then to the judge of the circuit court in and for said county, which petition shall set forth the name of the proposed consolidated village, praying that a special election shall be held, at which shall be determined by the legal voters of said adjoining villages by ballot whether such consolidation shall be or shall not be made, the said judge shall upon the like

notice provided by the third section of this act appoint a time for the consideration of said petition, at which time said judge shall hear the person or persons who may appear before him, and he shall determine upon the matters contained in such petition and make disposition thereof under the same conditions and in all respects as provided by the fourth section of this act for the formation of villages.

3. *And be it enacted*, That if the determination of said judge upon such hearing be such as to support said petition, such judge shall order a special election to be held at some convenient place within either of the villages named in said petition and proposed to be consolidated, give notice of the time and place of the holding of such election, appoint a judge and inspectors to conduct the same, fix the period of time the polls shall be kept open, receive the certificate of the result of said election, hear and determine appeals relating to such election, and make the proper order relating to such election, in like manner and in all respects as in this act provided for the formation of villages.

Judge of common pleas may order election.

4. *And be it enacted*, That the ballots cast at an election held under the provisions of this act for the consolidation of villages shall contain the words "for consolidation" or "against consolidation," as the case may be.

Ballots.

5. *And be it enacted*, That the inhabitants of any village consolidated under this act shall be a body incorporate, in fact and in law, by the name of "the village of — — —, in the county of — — —," and the name of such consolidated village shall be the same as set out in the petition praying for such consolidation, and by that name shall have perpetual succession, and may sue and be sued, prosecute and defend in any court, may make and use a common seal and alter it, and receive by gift, grant, purchase, devise or bequest and hold and convey real and personal estate for the use of said consolidated village, and shall in all respects be governed, regulated and controlled by the provisions of this act in the same manner as if such consolidated village had been originally incorporated as a village under the provisions of this act.

Petition shall determine name of consolidation.

Powers and privileges of.

6. *And be it enacted*, That directly upon the proper officers of such consolidated village having been elected and shall have qualified as required by this act in the formation of villages, the offices of the officers of the respective villages so as aforesaid consolidated shall become vacant, and

Old officers shall vacate when new officers shall qualify.

the property and assets, as well as the debts and obligations of the respective villages consolidated, shall become and be the property and assets and the debts and obligations of the inhabitants of such consolidated village in their corporate capacity, and shall be subject to and controlled by the provisions of this act.

Proceedings to  
change name  
of any village.

7. *And be it enacted*, That whenever it may be desirable to change the name of any village in any county in this state a petition for that purpose may be filed in the court of common pleas for such county, signed by at least twelve freeholders within the limits of said village, setting forth the cause for which change is desirable and the name desired to be substituted, and the court, upon being satisfied by proof that the prayer of the petition is just and reasonable, and that thirty days' previous notice of the intended application to the court had been duly given in some newspaper printed and published in such village, or, if none in such village, then in some newspaper printed and published in the county in which such village is located; and that the inhabitants of such village, or a majority of them, desire such change, and that there is no other village in this state of the same name as that asked for and set out in said petition, the court may order a change of the name of such village as desired in said petition.

Clerk of court  
shall record  
proceedings.

8. *And be it enacted*, That upon the said court granting the prayer of the petition in the last preceding section referred to, it shall be the duty of the clerk of said court to record the proceedings and order relating to the same, and the reasonable costs of such proceedings, in such sum as may be fixed by said court, shall be paid by the petitioners.

Petitioners  
shall pay costs.

9. *And be it enacted*, That if, by the order of said court, the name of such village is changed as requested in said petition, the inhabitants of such village shall continue and remain to be a body corporate in fact and in law under such new name for all the intents and purposes of this act.

10. *And be it enacted*, That this act shall take effect immediately.

Approved May 8, 1894.



## CHAPTER CXLIX.

An Act to enable the governing body of any town, village or township to enlarge existing parks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any board of commissioners, improvement commissioners or other governing body of any town or village or township in this state to enlarge any public park or square existing therein by the purchase of such additional adjoining lands as to such governing body shall seem best, and to annex the part so purchased to said existing park, and also to incorporate within the limits of any such park any street or public highway which may separate said park as it now exists from the property to be purchased under the provisions of this act; *provided, however*, that the cost of such an additional park property shall not exceed the sum of three thousand five hundred dollars. Governing body may enlarge parks.

2. *And be it enacted*, That for the purpose of purchasing said additional lands the governing body of such municipality shall have the right to issue its temporary loan bonds or notes, to run for such period, not exceeding five years, as said board may decide, to bear interest at the rate of not exceeding five per centum per annum, and to be sold for not less than par and accrued interest; that said municipality shall provide by taxation for the payment of the interest upon said temporary loan bonds or notes from year to year, and for the extinguishment of the principal thereof when due. Bonds or notes may be issued.

3. *And be it enacted*, That said municipality shall have the right to agree with the owner or owners of such lands so desired for the enlargement of said park, and purchase the same at private sale, provided they can agree upon the price to be paid therefor. May purchase land at private sale.

4. *And be it enacted*, That in case said municipality shall be unable to agree with the owner or owners of such required lands for the purchase thereof, or when by legal incapacity or absence of such owner or owners, no such agree- May condemn lands.

Proceedings  
therefor.

ment can be made, a particular description of the lands so required shall be given in writing under oath or affirmation of some proper agent of the municipality, and also the name or names of the owners or occupants, if any there be, shall be presented to one of the justices of the supreme court of this state, who thereupon shall cause such municipality to give notice thereof to the persons interested if known and in this state, or if unknown or cannot be found, or if out of this state, to make publication thereof as he shall direct for any period not less than ten days; and to assign a particular time and place for the appointment of commissioners as hereinafter provided, at which time upon satisfactory evidence to him of the service or publication of such notice, he shall appoint under his hand three impartial and judicious freeholders, residents of the county in which such lands are situated, to examine and appraise the said lands and to assess the damages upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, not less than ten days, and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question and to make a true report and appraisal as aforesaid in writing according to the best of their skill and understanding) to meet at the time and place appointed to make a just and equitable appraisal and assessment thereof as aforesaid, to be paid by the said municipality, which report shall be made under the hands of the said commissioners, or any two of them, and within fifteen days thereafter, together with the description of the lands and the appointment and oaths or affirmation as aforesaid, shall be filed in the clerk's office of the county within which such lands are situated, to remain of record therein; and thereupon, and on the payment or tender of payment of the amount so awarded to the party or parties entitled thereto, the said municipality is hereby empowered to enter upon and take possession of the said lands; and all title thereto for the purpose of which the same is taken shall upon such payment or tender pass from the said owners and parties interested to the said municipality; and in case of a dispute between any owners or other parties interested to their respective rights or shares in and to the sum so assessed or ascertained under this act,

then the said municipality is hereby authorized to pay the sum so assessed for the said land to the clerk of the county in which said lands are situated, to be paid out and distributed between or among the parties entitled to the same by the order of the circuit court of said county upon the application of any one or more of them, on due notice to the others; and the said justice shall upon the application of either party, or on reasonable notice to the others, tax and allow such costs, fees and expenses to the commissioners and other persons performing any legal duty in the premises as he shall think equitable and right, which shall be paid by the said municipality; and if any or all of the said owners or other parties interested shall be absent from this state or under any legal incapacity that disqualifies them from receiving legal payment of the money awarded him, her or them, then it shall be the duty of the municipality to pay the amount awarded to such person or persons to the clerk of the county in which said lands are situated, and it shall be the duty of the said clerk to receive the same to be paid to the parties entitled thereto by order of the judge of the circuit court of the said county, upon his, her or their application for the same, and every and all of such payments to the clerk, as to the municipality, shall be equivalent to payment to the parties entitled thereto, and shall operate to transfer the title to said lands to said municipality as if made directly to the said parties; *provided, always,* that should the municipality or the owner or owners feel aggrieved by the report and award of the said commissioners, he she or they may appeal from the said appraisement and award in respect to her, his or their interest therein, to the next circuit court in the county wherein the said lands are situated.

*Proviso.*

5. *And be it enacted,* That every appeal from the appraisement and award of the commissioners shall be made in the form of a petition to the said court, and notice thereof shall be given to the other parties within fifteen days after the filing of the commissioners' report and award, which proceeding shall vest in the circuit court full authority, power and jurisdiction to hear and determine the question of the value of the land and damages sustained, if any; and thereupon the said court shall direct a proper issue to be framed between the parties for the trial of the said question, and order a jury of twelve men to be struck for the

*Proceedings on appeal.*

same, and a view of the premises to be had by them ; and the said issue shall be tried upon the like notice and in the like manner as other issues of fact in said court are tried ; and it shall be the duty of the said jury to assess the value of the land in question, and the damages sustained, if any ; and the party or parties appealing shall recover costs, if he, she, it or they shall succeed at the trial on appeal in changing the valuation or assessment of the land in question and the damage in his, her, their or its favor, and shall pay costs, if he, she, it or they shall fail so to do ; but no appeal shall prevent the municipality from taking the land upon filing the commissioners' report and award and payment, or tender to the parties of the amount thereof, as hereinbefore provided, and a party accepting from the municipality the amount of the award of the commissioners in his favor shall not thereby waive his appeal ; that upon the verdict of the jury fixing the value of the land and damages the court shall enter judgment for the amount thereof, with or without interest and costs, according to the provisions of this act, and the principles of law applicable to the trial of similar issues in other cases, and the judgment so entered shall be the sum which the owner or owners and other parties interested are entitled to have from the municipality for the said land and damages, and may be enforced in manner and form similar to other cases in which judgment is pronounced in said court ; and when the commissioners' award is paid by the municipality into court, as hereinbefore provided, and an appeal is taken and judgment is afterwards pronounced on the verdict, it shall be the duty of the court to order the money so paid into court applied to the payment of the said judgment, and the surplus, if any, repaid to the municipality.

6. *And be it enacted*, That this act shall take effect immediately.

Approved May 8, 1894.

## CHAPTER CL.

An act concerning licenses in cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of finance, or other legislative body, however designated, of any city in this state, to provide by ordinance for the licensing of bill posters, card tackers, bill distributors, advertising agencies or any other medium of distribution or display of printed or written advertising matter, and to adopt such rules, regulations and restrictions with reference to the conduct of the business to be carried on by such licensees as to it shall seem proper. Bill posters, advertising agencies, &c., may be licensed.

2. *And be it enacted*, That it shall be lawful for the common council, board of finance, or other legislative body, however designated, of any city of this state, to provide, in any ordinance passed by virtue of the provisions of the first section of this act, that any licensee thereunder may erect bill boards or display signs in any of the streets, roads or highways of any such city; *provided*, the consent of property owners in front of whose premises said bill boards or display signs are proposed to be erected shall be had and obtained before the erection thereof. Licensee may be authorized to erect bill-boards, signs, &c.

3. *And be it enacted*, That it shall be lawful for said common council, board of finance, or other legislative body of any city to provide in any such ordinance for the exaction from any person or persons or corporation licensed thereunder of an annual license fee, which said license fee may be levied and collected for the purpose of revenue. Licensee fee.

4. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent with any of the provisions of this act be and the same are hereby repealed; *provided*, that any ordinance heretofore passed by the governing body of any city, passed under the provisions of any existing law, shall remain in full force and effect until repealed, changed or altered by the body passing the same. Repealer. Proviso.

Approved May 8, 1894.

## CHAPTER CLI.

An Act to enable the surety upon the bond of any trustee, committee, guardian, assignee, receiver, executor or administrator to require his principal to account and give a new bond and permit the making of an order to discharge such security from liability for the future acts of such principal and regulating the procedure thereupon.

Proceedings  
for.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act the surety, or the representative of any surety, upon the bond of any trustee, committee, guardian, assignee, receiver, executor or administrator, may apply, by petition to the court wherein said bond is directed to be filed or which may have jurisdiction of such trustee, committee, guardian, assignee, receiver, executor or administrator, praying to be relieved from further liability as such surety for the acts or omissions of the trustee, committee, guardian, assignee, receiver, executor or administrator, which may occur after the date of the order relieving such surety to be granted as herein provided for and to require such trustee, committee, guardian, assignee, receiver, executor or administrator to show cause why he should not account and said surety be relieved from such future liability as aforesaid and said principal be required to give a new bond; and thereupon, upon filing of said petition, said court shall issue such order returnable at such time and place and to be served in such manner as said court shall direct and may restrain such trustee, committee, guardian, assignee, receiver, executor or administrator from acting except in such manner as it may direct to preserve the trust estate; and upon the return of such order to show cause if the principal in the bond account in due form of law and file a new bond duly approved then said court must make an order releasing said surety filing the petition as aforesaid, from liability upon the bond for any subsequent act or default of the principal; and in default of said principal

thus accounting and filing such new bond said court must make an order directing such trustee, committee, guardian, assignee, receiver, executor or administrator to account in due form of law and that if the trust fund or estate shall be found or made good and paid over or properly secured such surety shall be discharged from any and all further liability as such for the subsequent acts or omissions of the trustee, committee, guardian, assignee, receiver, executor or administrator after the date of such surety being so relieved or discharged and discharging such trustee, committee, guardian, assignee, receiver, executor or administrator.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 8, 1894.

## CHAPTER CLII.

An Act relative to an appropriation for the state industrial school for girls, for the purpose of building and furnishing an addition to the same.

WHEREAS, The state industrial school for girls is now over-crowded with inmates, and the commitments still continue to largely increase, so much so that the present accommodations are inadequate to do justice to the unfortunate children under its control ; *and whereas*, the rooms are in many cases obliged to be occupied by three persons, when the original intention of the discipline of the institution contemplated but one ; therefore,

Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of seventeen thousand dollars be and the same is hereby appropriated to the state industrial school for girls, or so much thereof as may be necessary, to be used for building an addition to the present structure, and for properly furnishing the same when completed ; and the treasurer of the state is hereby authorized to pay the same to the treasurer of the said in-

Appropriation.

dustrial school on the warrant of the comptroller in such instalments as may be necessary.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 8, 1894.

### CHAPTER CLIII.

#### An Act to incorporate colleges of pharmacy.

How association shall be organized and incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every association of persons, not exceeding one hundred in number, associated for the purpose of cultivating, improving and disseminating a knowledge of pharmacy, its collateral branches of science, and the best mode of preparing medicines and their compounds and of giving instructions in the same by public lectures, be and they are hereby authorized, at any regular meeting of such association, by a majority of votes to elect by ballot, or otherwise, according to the constitution or by-laws of such association, to appoint not less than three nor more than nine trustees, and one or as many officers of such association as shall be deemed necessary; which said association and such other persons as may be associated with them are hereby constituted a body politic and corporate in law, by whatever name they shall assume, and by such name shall have succession and continuance, and be capable in law of suing and being sued, defending and being defended, in all courts and places whatever, and may have and use a common seal, and alter and renew the same at pleasure, and by their name as aforesaid, and under their common seal, may make and enter into, execute and enforce any contract or agreement relating to, touching or concerning the objects of said corporation.

Trustees shall file certificate.

2. *And be it enacted*, That said trustees of such association, elected or appointed as aforesaid, shall immediately certify such corporate name under their hands, and file such certificates in the office of the clerk of the court of



common pleas of the county in which such association shall have holden the said meeting, whose duty it shall be to record the same, and for which he shall be entitled to receive twenty-five cents. County clerk shall make record of.

3. *And be it enacted*, That the estate and property of what kind soever the same may be of such association, shall be vested in the trustees thereof as a corporation, and by their corporate name the trustees of such association shall be able to purchase, receive, take, hold and convey for the use and benefit of such corporation, and for the purpose of effecting the objects of its corporation, any lands, tenements and hereditaments, and any sum or sums of money, rights, securities, goods and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic and corporate; *provided*, that no such incorporation shall at any time hold real property the net income of which shall exceed five thousand dollars a year. Powers, privileges and duties of trustees. Proviso.

4. *And be it enacted*, That incorporations under this act shall be authorized to make, adopt and use, and from time to time to alter, amend or change such general form of a constitution and such by-laws for their government as to them shall seem right and proper; *provided*, that nothing in said constitution or by-laws be repugnant to the constitution or laws of the United States or of this state. May make constitution and by-laws. Proviso.

5. *And be it enacted*, That the trustees and officers of any such incorporation shall be elected or appointed in such manner, at such time and in such places as the said corporation shall by their constitution or by-laws provide; the trustees shall appoint a treasurer, who shall have the custody of the funds of the said corporation, and shall give bonds for the faithful discharge of the duties of his office, in such sums and with such sureties as the trustees may determine. Shall elect and appoint officers.

6. *And be it enacted*, That the sole and exclusive object of incorporations under this act shall be cultivating, improving and disseminating a knowledge of pharmacy, its collateral branches of science, and the best mode of preparing medicines and their compounds, and of giving instruction of the same by public lectures. Sole object of incorporation.

7. *And be it enacted*, That corporations under this act may establish and regulate admission fees, annual dues, assessments and other charges against members, and the May establish fees, dues, &c.

same shall be collectible by the trustees of such incorporations in the same manner as other debts.

Associations  
heretofore in-  
corporated  
may organize  
under this act.

8. *And be it enacted*, That any association of persons heretofore incorporated under any special act of the legislature are hereby authorized to organize under this act in the manner provided in the first section, and upon filing a certificate of the corporate name of such association, as required by the second section, all the right, title and interest of any association heretofore incorporated, in any estate, real or personal, shall be vested in the said body corporate and politic so created, and the original incorporation of such association shall be null and void.

Trustees have  
power to issue  
certificates of  
membership  
and grant di-  
plomas.

9. *In the i enacted*, That the trustees shall have power to issue certificates of membership, to adopt rules and regulations for the examination of candidates, and to grant diplomas to those who have undergone a satisfactory examination by the trustees, assisted by the professors of the college; students who have attended one course of lectures in any other regularly constituted college of pharmacy may be entitled to graduate after attending one course of lectures in this college and complying with other requisitions provided herein, and in the by laws of said college.

May grant de-  
gree of gradu-  
ate.

10. *And be it enacted*, That the trustees have power to grant the degree of graduate in pharmacy conferred by the college since its incorporation; it is authorized, from and after January first, one thousand eight hundred and ninety-five, to grant the degree of master in pharmacy to such of its former graduates or other persons as have attained high distinction in the profession of pharmacy, and have contributed by their labors and writings to the stock of professional knowledge in any of the branches of pharmaceutical science.

Associations  
not incorp-  
rated may have  
privileges of  
this act.

11. *And be it enacted*, That any association of persons heretofore organized, but not incorporated, for the general purposes and the general manner prescribed by this act, shall be deemed and held to be incorporated under this act, to all intents and purposes, in law and in fact, upon the trustees filing a certificate of the corporate name of such association, as required by the second section; and all the right, title and interest of any such association in any property, privileges or franchises, shall be vested in the said body corporate and politic so created: and the trustees, or other officers heretofore elected or appointed, shall hold their offices for the terms

for which they were elected, respectively, and until others are elected in their place.

12. *And be it enacted*, That the legislature may, at any time, alter, modify or repeal this act, and may also annul or repeal the charter of any association incorporated under and by virtue of the provisions of this act; and the same shall take effect immediately.

Approved May 8, 1894.

#### CHAPTER CLIV.

A Further Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes and assessments, and water rates or water rents, in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of of lands subject to future taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any city has heretofore purchased or shall hereafter purchase at a sale of lands made under the provisions of the above-entitled act, any lot, tract or parcel of land, it shall appear that by or through error or mistake such lot, tract or parcel of land has been incorrectly described or designated, whereby the tax or assessment imposed thereon would appear by any map or record to have been made upon a lot, tract or parcel of land not intended to have been so taxed or assessed, it shall be lawful for said city to cause any and all such errors and mistakes to be corrected, and such lots, tracts or parcels of land to be correctly and properly described, numbered and designated, in such manner as in its judgment may be proper and necessary to that end.

2. *And be it enacted*, That whenever any person by reason of such error or mistake as aforesaid has paid a tax or

Legislature  
may alter or  
repeal act or  
annul charters.

City may cor-  
rect mistakes  
in description  
&c., of assess-  
ments of lots.

Errors in payment of assessments shall be corrected.

assessment upon the land of another, having intended at the time of such payment to pay the tax or assessment upon land of which he was the owner, or in which he had an interest justifying such payment, in every such case it shall be lawful for said city to cause the tax or assessments so paid to be re-instated and charged against the land in respect to which such payment was wrongfully made; and the said re-instated tax or assessment shall thereupon be and remain a lien upon the same, and be collectible by the said city in the manner provided by law for the collection of unpaid taxes or assessments; and thereupon the said city shall have power to discharge the land intended to have been discharged by such payment from the lien of the tax or assessment thereon.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved May 8, 1894.

## CHAPTER CLV.

An Act concerning the office of receiver of taxes in cities of the second class of this state.

Tax receiver shall hold office two years.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state having not less than fifty thousand inhabitants there shall be an officer known as the receiver of taxes, whose duty it shall be to collect all the taxes assessed in such city, who shall be elected by the qualified voters of such cities every second year at the regular charter election thereof, and who shall hold office for the term of two years and until the election and qualification of his successor, and who shall receive such compensation for his services as the common council, board of aldermen or other governing body of such cities shall by ordinance prescribe.

When first election shall be held.

2. *And be it enacted*, That the first election hereunder shall take place at the annual or charter election to be held

in the year one thousand eight hundred and ninety-five, and that the person now holding such office of receiver of taxes in such cities, no matter how designated, shall continue in such office until the election of his successor, as herein provided.

3. *And be it enacted*, That this act shall not affect the existing term of any receiver or collector of taxes who may have been elected by the people. Shall not affect existing terms.

4. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect on the eighth day of May, anno domini one thousand eight hundred and ninety-four. Repealer.

Approved May 8, 1894.

## CHAPTER CLVI.

An Act to establish boards of county park commissioners and to define their powers and duties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any county with more than two hundred thousand population, it shall be lawful for the justice of the supreme court presiding in the courts of such county to appoint five persons to be known as the county park commissioners, who shall hold their office for two years from the date of their appointment, and shall serve without compensation; and if vacancies happen by resignation or otherwise, such vacancies may be filled by such justice and the persons appointed to supply such vacancies shall be appointed for the unexpired terms only; said commissioners shall consider the advisability of laying out ample open spaces for the use of the public in such county, and shall have authority to make maps and plans of such spaces and to collect such other information in relation thereto as the said board may deem expedient, and shall, as soon as conveniently may be within the term aforesaid, make a report in writing of a comprehensive plan for laying out, acquiring and maintaining such open spaces. Justice of supreme court shall appoint. Commissioners shall have no compensation. Vacancies shall be filled for unexpired terms only. Duties of commissioners.

May employ  
assistants.

Traveling ex-  
penses may be  
paid.

Expenditures  
shall be certi-  
fied to board of  
chosen free-  
holders.

2. *And be it enacted*, That said commissioners may employ such assistants as they may deem necessary and may expend such sums therefor and in the discharge of their duties, including the actual traveling expenses of said members, as they may deem expedient, not exceeding, however, the sum of ten thousand dollars ; and such expenditures shall, from time to time, be certified by said board to the said justice of the supreme court, who, if satisfied of the correctness thereof, shall order the payment of the same by the board of chosen freeholders of such county, who shall order the county collector to pay the same out of the funds appropriated or to be appropriated for the maintenance of highways and bridges in such county or of any unexpended balance.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 8, 1894.

## CHAPTER CLVII.

### An Act for the establishment and government of a naval militia of New Jersey.

Commander-  
in-chief may  
organize for  
defense of sea  
coast, &c.

May increase  
force when ne-  
cessary.

May alter, di-  
vide and dis-  
band, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the commander-in chief be and he is hereby authorized to organize a naval militia by voluntary enlistment for the defense of the sea-coasts and navigable waters ; in time of peace there shall not be maintained more than two such battalions organized as herein provided and which shall constitute the naval militia of the state of New Jersey, but the commander-in-chief shall have power in case of war, insurrection, invasion or imminent danger thereof, to increase the force beyond such limit of two batalions and to organize the same as the exigencies of the service may require ; the commander in-chief may alter, annex, divide, consolidate or disband the said naval militia or any battalions or divisions thereof, whenever, in his judgment, the efficiency of the state service will thereby be increased.

2. *And be it enacted*, That one battalion shall have headquarters at Jersey City, and be known as the battalion of the east; one battalion shall have headquarters at Camden, and be known as the battalion of the west. Headquarters of battalions designated

3. *And be it enacted*, That to each naval battalion there shall be a commander, who shall command the same; one lieutenant-commander, who shall act as executive officer, who shall be next in rank, and one lieutenant, who shall act as navigator; these officers shall be chosen by the commissioned officers of their respective naval battalions; each battalion shall consist of not less than two nor more than four divisions, to each division there shall be one lieutenant to command the same, one lieutenant (junior grade), two ensigns, all chosen by the division, and thirty-six petty officers and seamen as a minimum, and eighty-one petty officers and seamen as a maximum; to each division there shall be allowed such and so many petty officers as the commander-in-chief shall from time to time prescribe, which officers shall be nominated by the commander of the division to the commander of the battalion of which such division is a part, who shall appoint and issue warrants to the persons so nominated when approved by him or order new nominations when disapproving. Battalions—how organized.

4. *And be it enacted*, That the commander shall have power to nominate on his staff one adjutant, one ordnance officer, one paymaster, one surgeon, each with the rank of lieutenant (junior grade), one assistant surgeon, with the rank of ensign; the non-commissioned staff of the battalion shall consist of one master-at-arms, two yeomen, and one chief bugler, who shall be appointed by the commander and warranted by him. Battalion commander's staff.

5. *And be it enacted*, That the uniform of the naval militia and the insignia and designation of grade and rank shall be prescribed by the commander-in-chief, who may change and modify the same from time to time. Uniform and insignia.

6. *And be it enacted*, That the naval militia shall perform the same amount of duty in each year as is required of the national guard, except that such duty, or any part of it, may be performed afloat. Yearly duty.

7. *And be it enacted*, That officers and enlisted men of the naval militia shall be paid for such duty or service only, and in such amount only as is allowed to officers and enlisted men having the same relative rank or position in Pay for duty.

the national guard, but shall not receive any compensation from the state for duty performed by way of instruction or drill or otherwise, for which they receive compensation from the United States; marshals of naval courts shall receive the same compensation for services as marshals of similar courts in the national guard

System of discipline prescribed.

8. *And be it enacted*, That the system of discipline and exercise of the naval militia shall conform generally to that of the navy of the United States, prescribed by Congress; all matters relating to the organization, discipline and government of the naval militia, not otherwise provided for in this article, or in the general regulations, shall be decided by the custom and usage of the national guard, if applicable, and if not applicable, by the custom and usage of the United States navy.

Shall be commanded by a captain.

9. *And be it enacted*, That the naval militia shall be commanded by a captain, who shall be chosen when two battalions shall have been completely organized; the captain shall have power to appoint a staff, to consist of an aid, a paymaster and a surgeon, each of the grade of lieutenant.

Captain shall appoint staff.

Rank of officers.

10. *And be it enacted*, That the rank given in this article is naval rank; the relative rank of officers in the naval militia and in the national guard is as follows: captain with colonel, commander with lieutenant-colonel, lieutenant-commander with major, lieutenant with captain, lieutenant (junior grade) with first lieutenant, and ensign with second lieutenant; the relative position of seamen shall be that of private in the national guard, and the relative position of petty officers in the naval militia, and non commissioned officers in the national guard, shall be determined by the commander-in-chief.

Relative position of seamen and petty officers.

Appointment of boards, &c., how made.

11. *And be it enacted*, That the appointment, composition and powers of naval boards, delinquency courts, courts of inquiry and courts-martial shall be as is now provided by the military law of New Jersey for similar bodies in the national guard.

Divisions of—how treated.

12. *And be it enacted*, That the divisions in the naval militia shall be considered the equivalent of companies of the national guard, and the battalions shall be treated as battalions in the national guard not parts of a regiment.

Regulations—how made and published.

13. *And be it enacted*, That the commander-in-chief shall make and publish regulations for the government of the naval battalions, which regulations shall conform as nearly



as practicable to those governing the United States navy; the members of each battalion and division may form themselves into an organization and adopt by-laws in the same manner, with the same powers and subject to the same limitations as are now prescribed for members of companies in the national guard.

14. *And be it enacted*, That the armories of the naval battalion shall be situated on or near the navigable waters of the state, in such position as best to promote the efficiency of the service; the word "armory," as used or applied in the laws relative to the New Jersey naval militia, shall be held to include a vessel anchored, moored or secured to the land, while used only as an armory for the purposes of instruction, drill or defense.

Location of  
armories.

15. *And be it enacted*, That the quartermaster-general shall, upon due requisition therefor, approved by the commander-in-chief, furnish the naval battalions at the expense of the state, with suitable arms, uniforms, ammunition, equipments, colors, camp equipments and suitable equipments required for the service allowed to be performed by the battalions afloat, and transportation from their armories to the place of parade, encampment or rendezvous, and battalion headquarter rooms for the same, for the safe keeping of the colors and other state property in charge of the commanders of said battalions.

Quartermaster  
general shall  
furnish arms,  
&c.

16. *And be it enacted*, That the commander-in-chief, whenever it shall in his judgment be necessary or advisable for the public interest, may cause to be organized additional divisions of the naval militia, not to exceed two, which divisions shall be attached to the battalions authorized herein, as the commander-in-chief may direct.

Additional  
divisions may  
be organized.

17. *And be it enacted*, That the commander-in-chief is authorized and empowered to make his requisition upon the treasurer to meet the necessary and proper expenses to carry out the provisions of this act in such amount and not more for each division of naval militia than is now allowed for a company of infantry.

Expenses—  
how paid.

18. *And be it enacted*, That the commander-in-chief be and he is hereby authorized and empowered to appoint a naval board to consist of the commander-in-chief the adjutant-general, the quartermaster general, and a naval secretary and two commissioners who shall be familiar with

Naval board—  
how consti-  
tuted.

naval or marine affairs all of whom shall serve without pay.

19. *And be it enacted*, That this act shall take effect immediately.

Approved May 8, 1894.

## CHAPTER CLVIII.

A Further Supplement to an act entitled "An act for the formation and government of boroughs," approved April second, one thousand eight hundred and ninety-one.

Boroughs shall  
vote within  
their limits.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all boroughs incorporated under the act to which this is a supplement shall hereafter vote within their several boroughs.

When they  
may vote for  
chosen free-  
holders.

2. *And be it enacted*, That at the annual elections for borough officers, that are held on the same day that town meetings or election of township officers are held in the various townships of this state, the legal voters of said boroughs shall be entitled to vote for a chosen freeholder for any township out of which such borough was formed when such freeholder is to be elected in such township, but for no other township officers.

Shall vote for  
no other town-  
ship officer.

May elect  
overseer of  
poor.

3 *And be it enacted*, That there shall be elected in said boroughs an overseer of the poor, who shall hold his office for the term of three years, and until his successor shall be qualified, and shall enter into bond with the said borough for the faithful performance of his duties according to law in such sum and sureties as the mayor and council of said borough shall approve.

Repealer.

4. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Passed May 8, 1894.

## CHAPTER CLIX.

A Supplement to an act entitled "An act enlarging and extending the powers of incorporated towns in this state, governed by boards of commissioners, and of certain officers thereof," approved April sixteenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fifteen of the act entitled "An act enlarging and extending the powers of incorporated towns in this state, governed by boards of commissioners, and of certain officers thereof," approved April sixteenth, one thousand eight hundred and ninety-one, be and the same is hereby amended so as to read as follows :

15. *And be it enacted*, That streets or sections of streets shall be laid out, opened, straightened, extended, widened or otherwise changed as to their boundaries in the following manner, and not otherwise : a petition, in writing, signed by ten or more freeholders, resident in the town and owning land in the vicinity of the improvement desired, shall be presented to the board of commissioners, setting forth accurately the improvement desired ; and the petitioners shall deposit with the treasurer such sum of money as the board shall direct, being sufficient to cover the expense incurred in case such improvement shall not be ordered ; if the board shall favor the petition, the same shall be referred to the commissioners of assessment, who shall employ a surveyor, not interested in such improvement, who shall thereupon make a map of such improvement, showing the real estate to be taken therefor, and all the property which, in the judgment of the said commissioners of assessment, will be especially benefited thereby, designating each lot and parcel on said map by a number ; said commissioners of assessment shall also ascertain, as far as practicable, the names of the owners of such real estate to be taken and property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or

Act amended.

How streets or sections thereof shall be opened, &c.

Surveyor shall make map.

Commissioners shall ascertain names of owners and appraise benefits and damages.

estate are not known they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken and the damage to be done to such owners by taking the same; and where the estates in any plot of land are unknown, they shall appraise the value of or the damage done to the fee simple; said commissioners of assessment shall also estimate all other expenses likely, in their judgment, to attend to completion of the improvement; said commissioners of assessment shall also estimate the amount likely to be realized from the sale of any buildings or parts of buildings required to be taken on account of such improvement, and shall also determine the probable net cost of making the improvement; this probable net cost they shall then assess upon the land to be especially benefited, in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained and of the appraisements, estimates, determinations and assessments made by them concerning such improvement, and shall file such report and their map with the clerk of the town; thereupon the said clerk shall cause a notice of the filing of the said map and report to be printed in the official newspaper of the town, or, if there be none, in a newspaper published in the county and circulating in the town, for the period of two weeks, which notice shall contain a general description of the improvement intended, of the land to be taken, and of the land to be assessed therefor, and shall state the time and place when and where the board of commissioners will meet to hear and consider any objections to said report or to the improvement, which may be presented in writing; said clerk shall also, within said period, cause notices to the same effect to be posted at points not over three hundred feet apart along the whole line of said improvement, the time appointed for hearing such objections being not less than ten days after the expiration of such period of two weeks, and shall also within the same period, serve a copy of such notice upon resident owners of real estate affected thereby; but the omission of the clerk to serve such notice shall not invalidate any such proceedings; and all objections at such time and place presented in writing, the said board of commissioners shall consider and adjudicate upon, and the awards of assessments made in such report may be corrected accordingly, a copy of which corrections, signed by the

And estimate expenses.

Shall make report and file same with town clerk.

And advertise same in a newspaper.

Shall state time, &c., of meeting to consider objections.

Clerk shall post notices.

And serve copy on resident owners.

Commissioners shall correct assessments.

chairman of the board of commissioners, shall be filed with the said clerk within twenty days after the expiration of said period of two weeks ; if such board of commissioners shall then determine to make such improvement, notwithstanding any objections to the same, the said board shall confirm such awards, with the corrections, if any, and pass an ordinance ordering such improvement to be made and completed in such manner as the board of commissioners may direct ; *provided*, the said board of commissioners shall not proceed to make such improvement if the owners of the property subject to more than one half of the assessment for the improvement shall remonstrate against the same being made ; the board of commissioners shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken and damages sustained in making such improvement, and upon the passage of such resolution, the fee simple of such real estate to be taken, shall be vested in the town ; *provided*, that where the commissioners of assessment shall have reported the names or estates of the owners of any plot as unknown, the said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof when and as their interests may appear ; and any such owner or person interested in such lands may, by bill in chancery, according to the practice of that court, have the said sum distributed, or in whole or in part paid over to him, as law and justice may require ; after the completion of such improvement, or, if the board of town commissioners shall determine not to carry such improvement to completion for the time being, then after notice of such their determination, such commissioners of assessment shall ascertain and determine the actual net cost thereof, if completed, and if not completed, then so far as completed, and shall assess, as hereinafter provided, such actual net cost upon the lands specially benefited in proportion to the benefit received.

And file copy thereof.

Shall pass ordinance ordering improvement.

Proviso.

Proviso.

2. *And be it enacted*, That section twenty-three of said act be and the same is hereby amended so as to read as follows :

Section amended.

23. *And be it enacted*, That the cost and expense of laying out, widening, opening or extending any street or part of street, and after the completion thereof the whole cost of any street, sewer or other public improvement shall

Cost of improvement shall be assessed on land benefited.

Excess shall be paid by town.

Map of land benefited shall be filed.

Mistakes in names shall not invalidate assessment. Clerk shall post notices of meeting to consider objections.

Commissioners may confirm report, &c.

Repealer.

be ascertained and determined by the commissioners of assessment, and such cost and expense shall, so far as the same can be, be assessed upon the lands and real estate specially benefited by the improvement in proportion to the benefit received; and no lot or parcel of land shall be assessed more than it is so specially benefited; and if the total cost of any improvement shall exceed the aggregate assessable special benefits, the excess shall be borne and paid by the town at large; the commissioners of assessment shall file their report with the town clerk, which shall be accompanied by a map showing what lots and parcels of land are specially benefited by the improvement, the amount assessed as special benefits upon each lot or parcel of land, and the names of the owners of the several lots and parcels of land assessed, so far as the commissioners of assessment can ascertain the same, and the amount, if any, of the excess of the cost of the improvement over the aggregate assessable special benefits; but no assessment shall be deemed defective by reason of any mistake in the names of the owners of lands assessed, or omitting the said names of any of them; the clerk shall publish and post notices in the same way and manner hereinbefore prescribed for publishing and posting the petition for the improvement, and its accompanying notice, stating that the map and the report of the commissioners of assessment have been filed in his office, and that the board of commissioners will consider any objections to such report, map and assessment, presented in writing on or before a day named in such notice, to be fixed by the board of commissioners, which day shall be at least ten days after the first publication of such notices; after considering such report, map and assessment, and such objections as may have been presented against the same, the said board of commissioners may confirm such report, map and assessment, or, if deemed necessary, may return the same to the commissioners of assessment for revision and correction, who shall return the same, corrected and revised, without unnecessary delay; and thereafter the board of commissioners may, without further notice, confirm the said report, assessment and map.

3. *And be it enacted*, That where, in the act incorporating any incorporated town in this state governed by a board of commissioners, or in any supplement thereto, any provision may be in conflict with any provision contained in

this act, or in the act to which this is a supplement, such provision contained in this act, or in said act to which this is a supplement, shall be construed as expressly repealing any conflicting provision contained in any such act of incorporation or any supplement thereto.

4. *And be it enacted*, That in all cases in which imprisonment in a county jail is mentioned as a mode of punishment, in any section of the act to which this is a supplement, such imprisonment may hereafter be in the town lockup or town prison, or the county jail, in the discretion of the police justice.

Commitments  
may be to town  
lock-up.

5. *And be it enacted*, That if in any case arising under the act to which this is a supplement, or any supplement thereto, where lands have been or shall be condemned for any purpose, it shall appear that such lands are subject to any mortgage or other lien or incumbrance whatsoever, then the town treasurer or other officer charged with the payment of damages awarded for such lands, shall deposit the sum so awarded with the clerk of the county in which such lands are situate, who shall hold the same subject only to the order of the chancellor or any circuit judge sitting in equity, and from and after such deposit, the fee simple of such lands shall vest in the town, free and clear of any claim of any owner thereof and of the lien of any mortgage or other lien or incumbrance.

Proceedings  
relative to  
mortgaged  
lands.

6. *And be it enacted*, That the payment of damages to the owner or owners of the fee simple in any lands, in any proceedings in condemnation, shall be construed as extinguishing any curtesy or dower estate therein previously existing.

Payment of  
damages shall  
extinguish  
dower estate.

7. *And be it enacted*, That it shall be the duty of the town collector of each town, on or before the first day of February in each year, to make return in writing to the clerk of the county in which such town is situate, of all unpaid taxes and assessments, assessed the preceding year on real estate situate in his town, setting forth against whom assessed, the date, description of the property, the amount of tax and assessment thereon, if any assessment there shall be, to which he shall affix an oath or affirmation in writing to the effect that the same is just, true, full and complete in every particular, as shown by his tax duplicate, and the book wherein assessments are recorded, if any, and in case the said collector shall neglect or refuse to make

Collector shall  
make return of  
unpaid assess-  
ments.

Penalty for refusal to make return.

County clerk shall record returns.

If return is not made lien shall close as against purchaser or mortgagee.

Delinquent shall pay fees, costs, &c.

When paid clerk shall cancel record.

Past due taxes may be collected under this act.

Proceedings to vacate unnecessary roads or streets.

such return, he shall forfeit and pay to the board of commissioners of such town the sum of one hundred dollars to be recovered in an action on contract in any court of competent jurisdiction, either in the corporate name of such board, or in the name of the town treasurer.

8. *And be it enacted*, That the county clerk, upon receipt of such returns, shall record the same at length in the same books that are provided for the recording of other taxes against real estate, and the clerk shall receive for such service the sum of five cents for each name in such return, to be paid by the town returning the same.

9. *And be it enacted*, That in case such tax return shall not have been made at the time herein provided, or in case a name or names shall have been omitted from such return, then in that case such tax shall cease to be a lien upon such real estate as against a purchaser or mortgagee in good faith.

10 *And be it enacted*, That the fees, charges and expenses incurred for services rendered under sections seven, eight and nine of this act shall be included in the amount to be paid by the delinquent, and that upon the payment of such taxes, costs and expenses, the collector who shall receive the same shall give a receipt for the amount paid in satisfaction thereof to the person paying the same, which receipt shall be sufficient evidence of the payment of such tax, and that upon presentation thereof, the clerk of the county shall satisfy such tax record in the same manner as the record of mortgages is now by law satisfied, and shall file such receipt in his office.

11. *And be it enacted*, That any tax now due on any lands, tenements, hereditaments or real estate in any town of this state may be collected under this act in the manner prescribed herein.

12. *And be it enacted*, That whenever ten or more persons, being freeholders, shall think any public road or street or any part of any public road or street in any such town which hath been or shall be laid out unnecessary, it shall be lawful for such persons to make application in writing to the board of town commissioners of such town, having given previous notice for at least ten days of such application and of the meeting at which such application will be made, by advertisement under their hands and set up in at least three of the most public places in such town ;



such board of commissioners, upon receiving proof of the proper setting up of such advertisements, shall thereupon consider the same, and if a majority of such commissioners shall favor such application, the same shall be referred to the commissioners of assessment, who shall report thereon in writing within thirty days thereafter whether or not in their judgment such application should be granted, stating the reasons why such application should or should not be granted; upon the coming in of such report, if a majority of such board of commissioners shall still favor such application, they shall appoint a meeting at which they will consider any and all objections to the granting of such application that may be presented to them in writing, and shall cause at least ten days' notice of such meeting to be served upon all owners of lands in front of which such road or street or part of road or street proposed to be vacated shall run, or upon the occupant or occupants of such lands; and if any of such lands shall be unoccupied and the owner or owners thereof not resident in such town, then such notice may be mailed to the post-office address of any and every such owner, if the same can be ascertained, ten days before such meeting; if the post-office address of any such owner shall be unknown then such notice shall be published in a newspaper published in such town for the space of two weeks next prior to such meeting; copies of such ten days' notice shall be put up along the line of such road or street or part thereof proposed to be vacated at points not over three hundred feet apart; after giving opportunity for the hearing of objections to such proposed vacation, if two-thirds of the members of such board of town commissioners favor the same, they shall pass an ordinance to that effect, and upon the taking effect of such ordinance such roads or street or part of road or street shall thereupon become vacated and cease to be a public highway.

13. *And be it enacted,* That in addition to the powers conferred upon such boards of town commissioners by the fifth section of the act to which this is a supplement, they shall have power to pass, adopt, alter, modify and repeal ordinances for the following purposes: to prescribe and define the duties of fire commissioners and to prescribe and limit their terms to a less term than five years; to provide for and regulate the sprinkling of the streets of the town and the collection of the expense thereof of landowners in

Town commissioners may pass ordinances for certain purposes.

front of whose lands the same is done, as other taxes are collected, or payment of the same out of the town treasury, as they may determine; to provide for and regulate the trimming of any and all trees whose branches may overhang any street or alley of the town, the trimming or cutting down of any tree or trees that may stand within the limits of any street or alley in the town, and the cutting down of any tree or trees standing on private property outside of the limits of any street or alley, which may overhang or in any way be deemed dangerous to passers-by; but the enumeration of powers in this section shall not be construed as repealing or in anywise limiting the powers heretofore conferred upon such boards of commissioners, by any act whatsoever, unless the same shall be in direct conflict herewith.

Proceedings  
under certain  
sections of  
original act  
may be dis-  
continued and  
cancelled.

14. *And be it enacted*, That any proceedings heretofore or hereafter instituted under the provisions of section fifteen of the act to which this is a supplement, at any time prior to the passage of the resolution mentioned in said section, and any proceedings instituted under the provisions of section seventeen of said act, at any time prior to the entering into of any contract under said section in relation thereto, may be recalled, discontinued, cancelled and holden for naught; upon the passage of an ordinance repealing the ordinance ordering the improvement asked for in such proceedings, if one shall have been passed, or if no ordinance shall have been passed, then upon the passage of a resolution declaring that such proceeding shall from thenceforth be recalled, discontinued, cancelled and holden for naught.

15. *And be it enacted*, That this act shall take effect immediately.

Approved May 8, 1894.

## CHAPTER CLXI.

An act to allow receivers, assignees, guardians, committees, trustees, executors and administrators to include in the lawful expense of executing their trusts such reasonable sum paid a company authorized under the laws of this state so to do, for becoming their surety, as may be by the court allowed, not exceeding one per centum per annum on the amount of such bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any receiver, assignee, guardian, committee, trustee, executor or administrator, required by law or by the order of any court to give a bond as such, may include as a part of the lawful expense of executing his trust such reasonable sum paid a company authorized under the laws of this state so to do, for becoming his surety on such bond, as may be allowed by the court in which he is required to account, not exceeding, however, one per centum per annum on the amount of such bond. Receiver, &c., may include certain legal charges.

2. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent herewith are hereby repealed.

Approved May 8, 1894.

## CHAPTER CLXII.

An Act concerning the appointment of certain officers in certain cities in this state and fixing their tenure of office.

Governing  
body of certain  
cities shall ap-  
point certain  
officers.

Terms of offi-  
cers, duties  
and emolu-  
ments.

Officers shall  
give bond.

Vacancies  
shall be filled  
for unexpired  
terms only.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state now or hereafter having within their territorial limits a population of not less than fifty-five thousand, nor more than one hundred thousand inhabitants, the common council, board of aldermen, or other governing board of such city shall, within one month after this act shall take effect, appoint a city clerk, city comptroller, city treasurer, city counsel, (who shall be a counsellor-at-law), city inspector of buildings, city engineer, and city street commissioner, in lieu of and to be substituted for, and to act in the place of, and who shall in each case respectively be invested with and shall perform all the powers and duties of any such officers by whatsoever title they may be designated now by law to act therein ; and which said officers shall be appointed for the term of two years, or until their successors are appointed and qualified, and shall perform the same duties and receive the same emoluments as are now provided by existing laws, and the terms of the first officers appointed hereunder shall date from the time of their appointment under this act, and that such officers shall give bonds for the faithful discharge of their duties in such amounts as may now be required of such officers in such cities, and which said bonds shall be approved as to form by the city counsel of such city, and as to the sufficiency thereof by the said common council, board of aldermen, or other governing body thereof ; any vacancy in either of the offices herein provided for shall be filled in the same manner, but for the unexpired term only ; and all of such officers shall be sworn in as such officers are now sworn in each of said cities ; and that the term of service of every such officer hereinbefore named, holding office in any such city, shall end on the appointment and qualification of their successors as herein provided for ; every such officer whose term of office shall

so end shall immediately deliver up his office and all property, books and papers, matters and things whatsoever connected therewith to his said successor; provided, that in all cities as aforesaid in which, by the provisions of the charter thereof, the city treasurer is elected by popular vote, such city treasurer shall continue to be elected by popular vote anything in this act contained to the contrary notwithstanding; but the term of office of the city treasurer in any such city is hereby terminated and the common council or other governing body of said city is hereby authorized and empowered to appoint a city treasurer until after the next municipal election of said city, who shall hold his office until his successor is elected as aforesaid and qualified into office.

Retiring officers shall surrender books, &c.  
Proviso.

2. *And be it enacted*, That all acts and parts of acts, general and special, public or local, inconsistent with the provisions of this act, be and the same are hereby repealed.

Repealer.

3. *And be it enacted*, That this act shall take effect May eighth, anno domini one thousand eight hundred and ninety-four.

Passed May 8, 1894.

## CHAPTER CLXIII.

A Supplement to an act entitled "A further supplement to an act entitled 'An act regulating proceedings in criminal cases,' approved March ninth, one thousand eight hundred and eighty one."

Record may be returned by plaintiff in error, and shall be considered by appellate court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the entire record of the proceedings had upon the trial of any criminal cause may be returned by the plaintiff in error therein with the writ of error, and when so returned shall form a part thereof, and on the argument such entire record shall be considered and adjudged by the appellate court; and if it appear from such record that the plaintiff in error on the trial below suffered manifest wrong or injury, whether by rejection of testimony or in the charge made to the jury, or in the denial of any matter by such court, which was a matter of discretion, or upon the evidence adduced upon the trial, the appellate court shall remedy such wrong or injury and give judgment accordingly, and order a new trial.

Appellate court shall remedy wrong or error.

Fees for record.

2. *And be it enacted*, That the fees to be paid for such record when so required shall not exceed the sum of eight cents per folio of one hundred words, and when so required in writing from such court it shall by said court be forthwith ordered for said plaintiff in error.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Passed May 9, 1894.

## CHAPTER CLXIV.

An Act relating to the assessment of taxes in counties of the first class.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all the cities, towns, townships, villages and boroughs in counties of the first class of this state, it shall be lawful for the governing authorities to have maps made of their several and separate municipalities for the purpose of making the assessment for taxes upon real estate and to describe thereon the said real estate by blocks and parcels. Governing bodies of cities, towns, townships, &c., in shall have maps thereof.

2. *And be it enacted*, That when any change is made in the ownership of property in any such city, town, township, village or borough it shall be the duty of the new owner to present his deed or other evidence of title to the officer, officers, assessor, assessors or department having charge of the assessment of taxes therein, that the change of property lines and ownership may be properly noted on the books and maps kept for that purpose. Changes in ownership shall be noted on maps &c.

3. *And be it enacted*, That no register of deeds, county clerk or other officer whose duty it shall be to record deeds, shall record any deed which conveys any property in any city, town, township, village or borough within counties of the first class, unless it shall be duly certified thereon that the same has been duly presented at the office of the officer, officers, assessor or assessors, or other department having charge of the assessment of taxes, for the purpose of recording or noting such change as may have been made thereby in the property lines and ownership of property; *provided*, that nothing in this act shall prevent the recording of such deed in case a fee of twenty cents is paid at the time any such deed is deposited for record, to the register of deeds, county clerk or other officer whose duty it is to record the same, upon which payment having been made it shall be the duty of the said register of deeds, county clerk or other officer within five days thereafter, to present such deed or abstract thereof to the officer, officers, assessor or assessors or other Deeds for record shall be duly certified by assessing officer. Provided.

department having in charge the assessment of taxes, for the purpose of having such changes of property lines and ownership as may be made thereby recorded or noted.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 9, 1894.

## CHAPTER CLXV.

An Act to organize the board of chosen freeholders in each of the counties of this state having within its territorial limits a population of not less than seventy-five thousand inhabitants or more than two hundred thousand inhabitants.

Board of  
chosen free-  
holders in cer-  
tain counties  
shall consist  
of, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the board of chosen freeholders in each county of this state having within its territorial limits a population of not less than seventy-five thousand inhabitants or more than two hundred thousand inhabitants shall consist of one chosen freeholder from each ward of each city, one chosen freeholder from each township and one chosen freeholder from each borough possessing complete autonomy of local government in such county.

How and when  
such shall be  
elected.

2. *And be it enacted*, That at the first municipal and township elections held in each of the counties aforesaid after the passage of this act, and every second year thereafter, there shall be elected by the electors of each ward and township and each borough possessing complete autonomy of local government in such county as aforesaid, in the same manner and under the same laws and regulations as are or may be provided for such municipal and township elections, one chosen freeholder, as provided for in the first section of this act. to be a member of the said board of chosen freeholders, who shall hold his office for two years, and that the term of office of the respective members of every board of chosen freeholders elected under the provisions of this

Term of office  
of—



act shall commence at twelve o'clock noon on the second Wednesday of May next ensuing such election.

3. *And be it enacted*, That each of the members of every board of chosen freeholders elected under and by virtue of the provisions of this act shall receive as a salary and compensation for his services the sum of one hundred and fifty dollars per annum, to be paid out of the county treasury by the county collector in equal quarterly payments, and that no other compensation shall be allowed, given or paid to any of the said members for any services whatsoever. Salary and how paid.

4. *And be it enacted*, That each and every board of chosen freeholders elected and organized under the provisions of this act shall be vested with all the powers and authority and rights and privileges and duties now vested in and imposed upon the present board of chosen freeholders in each of the counties to which this act is applicable. Powers, privileges and duties of.

5. *And be it enacted*, That the board of aldermen or city council in any city, the borough council in any borough, and the township committee in any township, shall have power for such city, borough or township, to fill any vacancy that may occur in any board of chosen freeholders of any county to which this act is applicable, and the person or persons so appointed shall hold the position of chosen freeholder for the unexpired term only. Vacancies, how filled.

6. *And be it enacted*, That the act entitled "An act to reorganize the board of chosen freeholders in certain counties of this state," approved March fifteenth, one thousand eight hundred and ninety-two, and all other acts and parts of acts, general, special, and local, inconsistent with the provisions of this act, be and the same are hereby repealed; *provided, however*, that the members of the present board of chosen freeholders and all persons appointed by them in any capacity whatever, in each of the counties to which this act is applicable, shall be and continue in office, and that each such board of chosen freeholders and all persons appointed by them shall be possessed of the same powers, authority, rights, privileges and duties as are now vested in and imposed upon them until twelve o'clock noon of the second Wednesday of May, one thousand eight hundred and ninety-four, when the same shall cease and determine. Repealer.

7. *And be it enacted*, That the board of aldermen or common council in cities, borough council in boroughs and township committees in townships, in the counties to which this Proviso.

Governing bodies authorized to make temporary appointments.

act is applicable, be and they are hereby authorized and empowered to choose from their respective wards, boroughs and townships members of the board of chosen freeholders hereby created, to serve until the second Wednesday in May, in the year eighteen hundred and ninety-five.

8. *And be it enacted*, That this act shall take effect on the eighth day of May eighteen hundred and ninety-four.

Passed May 9, 1894.

## CHAPTER CLXVI.

### An Act concerning street improvements in cities.

#### Preamble.

WHEREAS, The assessment laws now in force relating to street improvements are complex in detail, slow in operation, and are burdened with costs of advertising, engineering fees, legal services, inspection fees and assessing fees, rendering the cost of any street improvement assessed against specific property an uncertain sum; *and whereas*, property owners frequently petition the governing bodies in cities for permission to grade, curb, pave and sewer streets, the total expense to be borne by such property owners; *and whereas*, without affecting the assessment laws now in force in cities of this state, and to enable property owners who, at their own expense, are desirous to obtain and pay for street improvements and to enable the governing bodies of cities to direct and control such improvements; now, therefore,

#### Proceedings for improving streets, lanes, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of this state the property owners or their representatives owning or representing all of the property fronting on any street or part of a street in any city of this state may petition the governing board or body having control of streets, lanes, alleys and public places for the grading, curbing, paving and sewerage of streets, lanes, alleys or public places, or any part thereof, in any city, stating in such petition that the petitioners repre-

sent the whole lineal frontage where the improvement is asked for, and also stating the character of the improvement desired and that the petitioners will pay the total contract cost of such improvement, including inspection fees, whereupon such governing board or body, if it grants such petition, shall prepare specifications for the work to be done to complete such improvement, which specification shall name a price to be paid for inspection fees, the amount of which fees is to be set out in the specifications, whereupon such governing board or body shall advertise for bids or proposals in accordance with such specifications, which advertisement shall be inserted in the official newspaper or newspapers of the city, and shall be advertised for a space of not less than six days, and such advertisement shall call for sealed bids or proposals and state the time and place of receiving such bids or proposals, at which time and place they shall be publicly opened and laid over for one week, at the expiration of which time the contract shall be awarded to the lowest bidder, and an inspector appointed, who shall receive the compensation as fixed in the specifications, unless, in the meantime, the aforesaid petitioning property-owners representing a majority of the lineal feet of property on the line of the improvement file with the clerk of such board or body the amount of money already incurred or spent for advertising for proposals or bids, together with a petition in writing requesting such board or body not to award such contract, but requesting a re-advertisement, whereupon such board or body shall re advertise for bids or proposals.

Governing body shall prepare specifications, &c., including estimate of cost of.

shall advertise for proposals.

Proposals shall be publicly opened and contract awarded to lowest bidder. Further proceedings.

Upon request board shall re-advertise for proposals.

2. *And be it enacted*, That the only cost of any improvement as aforesaid which can be assessed upon the property shall be the actual amount paid to the contractor for the materials furnished, work done and inspection fees; the cost of advertising, legal, engineering and assessment fees shall be paid by the city by general tax, and that the law officer or officers, the engineer or engineering bureau, the board or body assessing property for annual taxes now receiving an annual salary in any city shall perform the legal, engineering and assessment work hereinbefore and hereinafter provided in this act without any additional compensation.

Cost of material and labor only shall be assessed upon the property.

Fees, advertising, &c., shall be paid by general tax.

3. *And be it enacted*, That upon the completion of the work done by contract as herein provided, the engineer or

Engineer shall  
file statement  
of cost, &c.

Apportion-  
ment shall be  
a lien on the  
property.

Payment shall  
be made in five  
annual install-  
ments.

Interest shall  
be charged.

engineering bureau of the city shall file a statement showing the exact amount ordered paid to the contractor for materials furnished, work done and inspection fees with the board or body in any city authorized to make the annual assessments for taxes, which board shall proceed to apportion such total cost upon the total amount of lineal feet fronting upon the improvement, so that the whole lineal feet is charged with the total cost and each lineal foot is charged with an amount equal to every other lineal foot, which apportionment shall have the force and effect of an assessment and be binding and chargeable as a first and paramount lien upon the property affected, and such board or body shall divide the total amount so apportioned to each property owner fronting upon the improvement into five equal parts, whereupon such board shall confirm such assessment and apportionment, naming the date when the same was made and file the same as a record of liens against the property so apportioned and assessed, with the official receiving annual taxes.

4. *And be it enacted*, That after the making of the assessment and apportionment as herein provided, the property owners, successors, heirs or assigns shall have five years from the date when the annual tax is payable next after the making of the aforesaid assessment and apportionment in which to pay for such improvement; the amount assessed or apportioned against each piece of property shall bear interest at the rate of seven per centum per annum from the date of confirmation, and that the payments shall be made in five annual installments; the first installment is to be payable when the annual tax is payable next after the making of the aforesaid assessment and apportionment, and each installment thereafter shall be payable on and after the date of payment of annual taxes of each year in any city wherein the installment is payable, and the property owner shall at any time after the aforesaid confirmation have the right to pay the whole amount assessed and apportioned against such property owner's property, with interest as aforesaid from the date of confirmation to date of payment; all payments herein provided for shall be paid to the official authorized to receive the payment of annual taxes.

5. *And be it enacted*, That the official receiving annual taxes shall not be permitted to receive or receipt for annual

taxes against any property on which an assessment and apportionment have been made as herein provided, unless at the same time payment is made for the annual installment and interest as herein provided.

Tax receiver shall not receipt for taxes unless annual installment is paid.

6. *And be it enacted*, That all property against which each installment is apportioned as aforesaid shall be subject to the laws now in force for the collection of assessments and taxes and all such assessments, apportionment and installments shall be enforced and collected in the manner now or hereafter provided by law for the collection of taxes and assessments in such city, and it shall be lawful for the common council or other governing body of such city to provide by ordinance or resolution for such enforcement and collection in accordance with the provisions of this act and the laws of this state.

Assessments and installments shall be enforced and collected.

7. *And be it enacted*, That to provide the money to pay for the materials furnished, work done and inspection fees contracted for by virtue of the provisions of this act, any city ordering such improvement shall be authorized to issue to the contractor improvement certificates, to bear interest at a rate not exceeding five per centum per annum, payable at the option of the city and within six years from date.

City may issue improvement bonds.

8. *And be it enacted*, That the fiscal officers of any city wherein any improvement is made as herein provided shall keep in their written and published accounts a separate account of the improvement certificates issued under the provisions of this act, which accounts shall be styled "six-year improvement certificates," and under such head shall be shown the total issue of such certificates for each separate improvement, and the date and amount of the payment on account.

Fiscal officers shall keep account of same.

9. *And be it enacted*, That in order to take advantage of the provisions of this act and put and keep the same in operation in any city, such board or body ordering the contract work herein provided shall pass a resolution duly certified, together with an itemized statement of the cost of advertising as herein provided, and any and all costs not herein provided and which are necessary to carry out the provisions of this act, and also a statement of the costs of continuing any improvement in or across any street intersections, if such continuation is necessary to carry into full effect any improvement which may be entered into by virtue of the provisions of this act, provided such work is

Governing body shall pass resolution with itemized statement to carry improvement into effect.

Finance or  
other board  
may borrow  
money.

Proviso.

done at the rates of the contract price paid for the improvement as heretofore provided, and shall forward such resolution and statement to the finance board or other body in such city having the control of finances and the control and making of appropriations, and such last-named board or body are authorized to borrow such sums of money so certified as aforesaid in anticipation of taxes to be thereafter levied, and to issue evidences of indebtedness therefore at a rate of interest not exceeding five per centum per annum ; *provided*, that any money borrowed as aforesaid shall be met and paid by an appropriation in the tax levy next thereafter to be levied in any such city.

10. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1894.

## CHAPTER CLXVII.

An Act to provide for sewerage or drainage, or both, in townships.

Township  
committee  
may cause sur-  
veys, plans,  
and estimates  
to be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township in this state to cause surveys and plans to be made for a system of sewerage or drainage, or both, for the township, or for any town or village therein, and to obtain estimates of the cost of constructing the same, and to pay for such surveys and plans and the cost of obtaining such estimates out of any funds under their control subject to be used in paying incidental expenses.

May cause sys-  
tem to be con-  
structed.

2. *And be it enacted*, That it shall be lawful for such committee, either by contract or otherwise, to cause a system of sewerage or drainage, or both, for their township, or for any town or village therein to be constructed, and to make provision for disposing of sewage in any manner not prohibited by law, and to take any and all proceedings necessary and proper for supervision and performance of the work ; *provided, however*, that no contract shall be made for

Proviso.

the actual construction of any sewer or drainage system, or money expended or obligation created for that purpose other than for the procuring of surveys, plans and estimates, until the assent thereto shall be given in writing by the owners of at least one-half in value of the real estate in such township subject to taxation by the township officers in the year then next preceding, according to the tax duplicate of such year.

3. *And be it enacted*, That it shall be lawful for the township committee to acquire by purchase in the corporate name of the township any real estate situate in such township or elsewhere that may be necessary for the purpose of constructing, maintaining or operating such system of sewerage or drainage, or both, and in case the owner of any such real estate and said committee cannot agree upon the price or terms for sale of said property, it shall be lawful for the circuit court of the county in which said lands and real estate are situate, on application in writing made by or on behalf of such committee, and on such notice to the owner of such lands or real estate, as the court may prescribe, to appoint three disinterested persons as commissioners, who shall make an estimate and assessment of the damages that any such owner will sustain by the taking of said lands and real estate, with the appurtenances, for the purpose aforesaid, and said court shall appoint proper persons to fill vacancies in case it shall be necessary to do so; the said commissioners shall proceed under oath to make an impartial estimate and assessment of such damage, and they, or any two of them, shall make and present a report thereof to said court as soon as practicable; upon the filing of said report either said committee or any party interested in said lands and real estate shall give notice of an application to confirm the same and at the time fixed for hearing said application the said court shall consider said report and any objections that may be made thereto in a summary manner, and confirm the same or refer it back to the said commissioners or other commissioners to be appointed by the court for revision or alteration, and in case the same shall be referred back for revision another report shall be made and considered on notice as aforesaid, and such proceedings continued until a report shall be made that said court shall be willing to confirm, and said report when confirmed by said court, or a copy thereof duly certified by the clerk

May purchase  
necessary real  
estate.

Circuit court  
may appoint  
commissioners  
to condemn  
lands.

Court may fill  
vacancies.

Proceedings in  
condemnation.

of the county, shall be plenary evidence of the right of the township committee to enter upon, take and use the said lands or real estate, with the appurtenances, provided said committee shall first tender to the owner thereof, if residing in this state, the amount so awarded, and if any owner is not a resident of this state, or on due inquiry cannot be found herein, or is a lunatic or idiot, or under age, or is for any cause incapacitated to receive the amount awarded, or will not receive the same and sign a voucher or receipt therefor when tendered, an affidavit shall be made of the facts and filed in the office of the clerk of said court, and the amount so awarded shall be deposited with the said clerk, to be disposed of as said court shall direct, and thereupon said township committee shall have the right to take and use said lands and real estate for the purposes aforesaid; *provided*, that the township committee, or any party interested in said lands, feeling aggrieved by the decision of the commissioners, may appeal to the next circuit court of the county wherein said lands are situate; and every such appeal shall be made in writing in the form of a petition to said court and filed with the clerk thereof, and notice of appeal shall be given to the opposite party or parties within ten days thereafter, and said court shall thereupon have full power to hear and determine the same, and to direct a proper issue for the trial thereof, and to order a jury to be struck and a view of the premises to be had; said issue shall be tried at the next term of said court, or at any subsequent term to which the same may be adjourned, upon like notice and in the same manner as other issues in said court are tried, and the costs of said appeal shall be taxed and paid as said court may direct.

Proviso.

Township committee may issue notes or certificates to raise money.

Proviso.

4. *And be it enacted*, That it shall be lawful for such township committee to issue promissory notes or certificates of indebtedness of the township in order to raise money to pay for any land or other property acquired for the construction of such sewer system and to pay the cost of constructing the same; *provided*, that no such note or certificate of indebtedness shall bear interest at a higher rate than six per centum per annum, nor be disposed of for less than its par or face value, and all such notes or certificates of indebtedness shall be made payable within two years from and after the beginning of the work; that at the maturity of said notes or certificates of indebtedness, said township committee



shall issue either registered or coupon bonds of the township for so much of the cost of such sewer or drainage system as shall not at that time have been collected by means of assessments for special benefits; such bonds shall be authenticated by the corporate seal of the township, and the signature of the chairman of the township committee, and the coupons thereto annexed, if any, shall be authenticated by the autograph or engraved signature in fac simile of the treasurer of the township committee; said bonds shall be made payable within thirty years from their date, but part of the issue may be made payable at different times; and no bond shall be sold for less than par, and shall not bear interest at a higher rate than six per centum per annum.

Shall issue bonds.

Bonds shall be payable within thirty years.

5. *And be it enacted*, That as soon as said sewer system shall be constructed the township committee shall cause public notice to be given in one or more newspapers of the county circulating in the township where such system is located, and by posting notices in five of the most public places in said township of an application to be made on a certain day and place therein named, at least ten days subsequent to the publication and the posting of said notice, to said circuit court for the appointment of three discreet and disinterested freeholders as commissioners to make an assessment of the costs and expense of such improvement, and such circuit court, on due proof that such notice has been given, shall appoint three commissioners as aforesaid, by order entered in the minutes thereof, and may appoint one or more persons to fill a vacancy or vacancies in case of necessity upon like notice, and the commissioners so appointed shall, before entering upon the duties of their office, take, subscribe, and file in the office of the clerk of the county an oath faithfully to discharge their duties as such commissioners, and shall thereupon give ten days' notice, by publication in one or more newspapers published or circulating in the township, and by notices posted in at least five of the most public places therein, that they will meet at a convenient time and place in said township, named in said notice for the purpose of discharging their duties, and at the time and place so appointed the said commissioners shall meet and proceed to examine the matters referred to them, and may adjourn from time to time, and shall give a hearing to all parties interested and an opportunity to pro-

Shall publish and post notice of application for appointment of assessment commissioners.

Circuit court shall appoint.

Commissioners shall subscribe and file oath of office.

Shall advertise and post notice of meeting.

Shall give parties interested a hearing &c.

Commissioners may administer oaths, and take depositions.

Shall make equitable assessment.

Proviso.

Surplus of cost shall be paid by taxation.

Shall make map, &c.

Shall certify amount of assessment of to each owner.

Shall report proceedings to circuit court.

Court shall direct notice to be given of meeting to hear objections.

Court may confirm report or refer it to other commissioners.

duce evidence before them in support of objections, and any of said commissioners may administer oaths and take depositions of witnesses who shall be offered to give testimony in regard to the matter; and thereupon they shall forthwith proceed to ascertain the total cost and expenses incurred by the construction of such sewer system, including also all interest or discounts paid on any notes, certificates or obligations issued on account thereof, and after ascertaining the total amount of such cost and expenses, they shall proceed to make a just and equitable assessment thereof, or of part thereof, on the lands and real estate specially benefited by such improvement, in proportion to the special benefits actually conferred thereby; *provided*, that in no case shall the assessment upon any lands exceed the special benefit conferred by such improvement to the land so assessed, and in case the said commissioners shall determine that the lands specially benefited by said improvement have not been so benefited to the full extent of the costs and expenses thereof, the surplus of such cost and expenses shall be paid by taxation.

6. *And be it enacted*, That the commissioners, upon completing their assessments, shall cause a map to be made showing the lots so assessed, and shall designate the same by numbers and the names of the owners as far as they may be known to the commissioners; and they shall make a certificate showing the whole amount of said assessments, with the amount assessed against each, of said lots by reference to the numbers thereof on said map, with the names of the owners set opposite thereto, as far as they may be known to said commissioners, and within thirty days thereafter they shall make a report of their proceedings and assessments to the circuit court, or within such further time as said court may grant, and upon the coming in of said report signed by said commissioners, or any two of them, said court shall direct notice to be given in the manner prescribed in the fifth section of this act of the time and place of hearing any objections that may be made to such assessments, and after hearing any matter that may be alleged against the same the said court shall either confirm the said report or refer it to the same or other commissioners, to be appointed by the court, to consider the subject-matter thereof; the said commissioners to whom the said report shall be so referred shall return the same

report, corrected and revised, or a new report to be by them made in the premises, to the said court within such time as the said court shall by order direct, and the same, on being so returned, shall be confirmed or again referred by said court in manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm; and such report when so confirmed shall be final and conclusive, as well upon the said township as upon the owner of any land and real estate affected thereby; which said map and report when finally confirmed by said court, shall be filed in the office of the clerk of the county wherein said improvement is situate, and a copy certified by the said clerk shall be given to the collector of the township, and such report, map and copy shall at all reasonable and proper times be subject to the examination and inspection of all parties interested in the same; and from and after the filing of said map and report in the office of said clerk, said assessments shall be and remain a first and paramount lien upon the lots so assessed for the amounts thereof, respectively, with interest at six per centum from the time of such filing, and all costs and fees thereon, until the same shall be paid and satisfied, notwithstanding any devise, descent or alienation thereof, or any judgment, mortgage or encumbrance thereon, and notwithstanding any mistake in the name or names of the owners, or omission to name the owner or owners thereof, and any assessment in which such mistake or omission occurs, shall nevertheless, be a valid and effectual lien upon the lands assessed.

When report is confirmed it shall be final.

Report shall be filed in county clerk's office.

Assessments shall be first lien.

7. *And be it enacted*, That the assessments so imposed shall be collected by the same officer or officers, and at the same time and in the same manner that taxes are or may be collected in the township where such improvement is made; *provided*, that the owner of any lot or tract of land so assessed may pay the assessment thereon, with interest, in equal yearly payments, not exceeding ten, as the township committee may determine, in case such owner shall file with the clerk of the township an agreement in writing, to be approved by the township committee, stating the number of installments by which he will pay the same, and each installment shall be collected at the same time and in the same manner and by the same officer or officers that taxes are or may be collected in the township, but any

Assessments shall be collected by tax collector.

Proviso.

person may pay the whole of such assessment, with interest, at one time; all moneys collected for or on account of such assessments, and interest thereon, shall be set apart and used exclusively for the payment or purchase of notes, certificates or obligations that may have been made, issued or incurred by the township committee to raise money to pay the cost of said improvement.

Proceedings  
under this act.

Proviso.

Two or more  
townships may  
unite for plans  
&c.

Proviso.

8. *And be it enacted*, That in any proceeding under this act necessary or proper to be had or taken by any township committee, it shall be lawful for such committee to act or proceed by resolution, and said committee may fix and prescribe the terms and manner by which connections with said sewer system may be made, and shall maintain said system in good order, and may make extensions thereof from time to time when necessary; *provided*, that in case any extensions are made commissioners shall be appointed to make assessments of the cost, or part of the cost; thereof in the manner herein provided, and any such assessments shall be collected in the manner herein provided; the compensation of all commissioners appointed in pursuance of this act shall be fixed by the court in which they shall be appointed and paid by the township committee.

9. *And be it enacted*, That two or more townships, by their committees, may enter into a contract to obtain plans, surveys and estimates of the cost of, and to construct, an outlet or trunk sewer, or to provide a plant or works for collecting and disposing of sewage for their respective townships, or for any towns or villages therein, and any township or townships may in the same manner acquire the right to use any outlet or trunk sewer or sewer system that may be or may have been constructed in any municipality on such terms as may be agreed upon; *provided*, the assent in writing to the the making of any such contract shall be given by the owners of at least one third in value of the real estate in each of such townships subject to taxation by township officers in the year then next preceding, according to the tax duplicates of such year, and in case any such outlet or trunk sewer or sewer system shall be constructed jointly by two or more townships, the part of the cost thereof that shall be paid by each township or by assessments on lands in each township shall be determined in a manner to be provided in such contract, or if not so provided, then by the commissioners appointed to make assessments of the

cost thereof, and any proceeding necessary to be taken to acquire property or to construct such sewer or sewer system shall be taken by the township committees of each township acting in joint meeting, and in the corporate names of the townships represented by them; but all obligations for money borrowed to construct such sewer or system shall be made by the township committees of the respective townships, parties to such contract, and all proceedings to raise money and to impose and collect assessments for the cost of such sewer or system, or parts thereof, in the respective townships, shall be taken as if each township had constructed the part of the sewer or system therein under this act as an independent sewer or system.

Obligations for money borrowed, &c., shall be made separately.

10. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1894.

## CHAPTER CLXVIII.

A Supplement to an act entitled "An act to regulate the practice of courts of law" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever it shall appear by the affidavit of any person that he is a creditor of any testator or intestate, and that he has a claim or demand, arising on contract, against the estate of such testator or intestate, and that, after diligent and careful inquiry therefor, made as required in case of absent defendants in chancery, he has been unable to ascertain who are all the heirs and devisees of such testator or intestate, whether the heirs, devisees or personal representatives of such testator or intestate, or any one or more of them, is still alive, or, if known or believed to be dead, has been unable to ascertain the names and residences of his or their heirs, devisees or personal represen-

Supreme court  
may allow  
creditor of es-  
tate to bring  
action against  
heirs, devisees,  
&c.

Creditor may  
cause sum-  
mons to issue  
against heirs,  
&c.

Section  
amended.

Non-resident  
or other heirs  
&c., who can-  
not be served  
with summons  
may be served  
by advertise-  
ment in news-  
paper.

tatives, or of such of them as are proper parties defendant in an action to be brought against the heirs and devisees of such testator or intestate, it shall be lawful for the supreme court, or a justice thereof, in term time or vacation, to make an order permitting such creditor to bring an action at law against all such parties as are known and against the unknown heirs, devisees or personal representatives of such testator or intestate as defendants, naming such of them as are known and designating in the summons and other proceedings such of them as are unknown as unknown heirs, devisees or personal representatives of such testator or intestate, or of any heir or heirs, devisee or devisees or personal representatives of an heir or heirs, devisee or devisees or personal representative of the original debtor; and upon filing such affidavit and order it shall be lawful for such creditor to cause a writ or writs of summons to issue against such of the heirs, devisees or personal representatives of the original debtor as are known, and against such of them as are unknown, or against the heirs, devisees or personal representatives of such of them as are dead, or believed to be dead, and whose names are unknown, by the designation of unknown heirs, devisees or personal representatives of such original debtor, or of such of his heirs, devisees or personal representatives as are unknown or believed to be dead.

2. *And be it enacted*, That section one of the act entitled "A supplement to an act entitled 'An act to regulate the practice of the courts of law,'" which supplement was approved March third, one thousand eight hundred and fifty-three, by and the same is hereby amended to read as follows :

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That when the heirs or devisees of land situated within this state, or any of them, whether known or unknown, or, if any one or more of them are known or believed to be dead, their heirs, devisees or personal representatives, whether known or unknown, against whom a summons shall issue in any suit against such heirs or devisees, whether known or unknown, or the heirs, devisees or personal representatives of such of them as are known or believed to be dead, shall reside out of this state, or cannot be found within the same in order to be served with such writ, the sheriff of the county in which the said

land, or any part thereof, may lie shall so return, and upon an affidavit being made to the satisfaction of the court out of which said summons issued, or of any judge thereof in vacation, showing the residence, as nearly as may be, of any such defendants as may be known, a rule of court shall be made, signed by the judge if done in vacation, and filed, that the defendants not served with process, whether in such summons designated by name or as heirs, devisees or personal representatives of the original debtor, or of such of his heirs, devisees or personal representatives as are unknown or believed to be dead, do appear to the said writ on or before a certain day, to be prescribed by said court or judge, not less than one nor more than three months from the time of making such rule, a copy of which rule shall, within ten days thereafter, be served on each of such defendants not served with process, or published within the same time in some newspaper published in the county wherein the said land lies, and continued therein for four weeks successively, at least once in each week; if there be no such newspaper, or if such land lies in two or more counties, such publication shall be in such newspapers as may be directed by said court or judge in such rule.

3. *And be it enacted*, That section two of the aforesaid act be and the same is hereby amended to read as follows: Section amended.

2. *And be it enacted*, That if the defendant or defendants not served with process, or one or more of them, do not appear within the time limited by the rule aforesaid, upon due proof of the service or publication of such rule being filed, judgment by default shall be rendered against him, her or them, provided a declaration shall have been duly filed in such suit, which said judgment may be entered in term time or vacation, and if the said defendant or defendants, heirs, devisees or personal representatives of such original debtor, or of such of his heirs, devisees or personal representatives as are unknown or believed to be dead, or one or more of them, do appear and enter an appearance in person, or by attorney, in the clerk's book, he, she or they shall plead to the declaration of the plaintiff within thirty days from the expiration of the time limited by the said rule, or within such further time as may be granted for that purpose by the court or a judge thereof, and on failure thereof judgment by default may be entered in term time Judgment by default may be entered against defendants who do not appear.  
Defendants who appear shall plead within time limited.

or in vacation, and a writ or writs of execution issue thereon.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1894.

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## CHAPTER CLXIX.

An Act authorizing courts in this state to give the same force and effect to depositions taken stenographically by officers of such courts as if the same were signed by the witnesses.

Certified stenographic transcript of certain testimony shall be accepted.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That where testimony is taken before a supreme court commissioner, examiner in chancery or notary public for use in any of the courts of this state, it shall be lawful for said supreme court commissioner, examiner in chancery or notary public to take the said testimony stenographically, transcribe the same and return it to the court with a certificate stating that the same was correctly taken and transcribed, and on such certificate the court shall receive such transcript as a true statement of the evidence with the same force and effect as if the same had been written in longhand and signed by the witnesses.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1894.



## CHAPTER CLXX.

An Act concerning the school libraries of the state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor, the state comptroller and the state superintendent of public instruction be and they are hereby authorized, upon its publication, to purchase and pay for out of any funds not otherwise appropriated, as many copies of a political and legislative history of the state for the last twenty-five years, now being prepared by William Edgar Sackett, as they may deem proper for distribution among the public school libraries of this state.

Subscription  
for copies of  
Sackett's history  
authorized.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1894.

## CHAPTER CLXXI.

A Supplement to an act entitled "A further supplement to an act entitled 'An act to provide additional accommodations for the insane of this state,' approved March thirty-first, anno domini one thousand eight hundred and seventy-one," which said supplemental act was approved March third, anno domini one thousand eight hundred and eighty.

Chosen free-  
holders shall  
give name of  
county asylum

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of any county in this state to give to any county insane asylum within the limits of such county, established or to be established by it, an appropriate name to be selected by it, by which name it shall be thereafter called.

Insane person  
personally  
liable for main-  
tenance there-  
in.

Lawful repre-  
sentative liable  
for.

2. *And be it enacted*, That every insane person supported in any county insane asylum shall be personally liable for his maintenance therein, and all the necessary expenses incurred by the institution in his behalf, and the committee, guardian or relative that would have been bound by law to provide for and support him if he had not been sent to such asylum shall be liable to pay the expenses of his clothing and maintenance in the asylum and actual necessary expenses to and from the same.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1894.

## CHAPTER CLXXII.

An Act to reorganize the board of riparian commissioners of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of riparian commissioners shall hereafter consist of the governor and four other commissioners, to be appointed by the governor by and with the advice and consent of the senate who shall hold their office for a term of five years and until their successors are qualified. Board re-organized.

2. *And be it enacted*, That not more than two of the appointees shall be members of the same political party, and in all subsequent appointments the same political status shall be maintained, and in case of a vacancy the appointment shall be for the unexpired term only. Board shall be non-partisan.

3. *And be it enacted*, That the term of office of the members of the present board of riparian commissioners shall expire upon the passage of this act. Members of present board retired.

4. *And be it enacted*, That the compensation of the new commissioners and the powers and duties of the new board shall be the same as now provided by law. Compensation of new board.

5. *And be it enacted*, That all acts or parts of acts by which any different number, term of office or mode of appointment of said commissioners is provided for, or which are in any way inconsistent with any of the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved May 9, 1894.

## CHAPTER CLXXIII.

A Further Supplement to an act entitled "An act to provide for the drainage of lands," approved March eighth, in the year of our Lord one thousand eight hundred and seventy-one.

Section  
amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of an act entitled "An act to provide for the drainage of lands," approved March eighth, one thousand eight hundred and seventy-one, be and the same is hereby amended so as to read as follows :

Commission-  
ers shall make  
oath and file  
same.

2. *And be it enacted*, That the said commissioners, before entering upon their duties, shall take an oath before the chancellor or a justice of the supreme court, faithfully to perform the duties of their office, and shall cause the same to be filed in the clerk's office of the supreme court, and shall thereupon have full power to cause the said tract of land, for the drainage of which they shall have been appointed commissioners, to be drained in accordance with the general plan of the said board of managers ; and for that purpose the said commissioners and all contractors or other persons employed by them or under their authority shall have ——— to enter upon any lands for the purpose of executing the requisite work or procuring materials therefor ; and after the completion of said work, the expense thereof and of all materials used therefor, including the compensation of said commissioners (estimated at the rate of five dollars per day for every day actually employed), and also the expenses of the said board of managers and the collection of assessments, shall be made up by said commissioners and returned to the said supreme court in a report to be made by them, together with a general outline, description or delineation of the lands and territory which, in their judgment, ought to contribute to the said expense, notice of which report shall be given in some newspaper or newspapers circulating in the vicinity of said lands for the space of four weeks, at least once in each week, in order that any persons interested may examine said report, and, if they

Commission-  
ers and their  
employees  
may enter  
upon lands.

Expenses, &c.,  
shall be re-  
ported to  
supreme court.

And published  
in newspapers.

see fit, file objections to the same; if any such objections, duly verified on oath, be filed within said period of four weeks, the supreme court shall determine upon the same in a summary manner and with as little delay as possible, and shall thereupon, without further notice, make a rule or order directing the said commissioners to distribute and assess the amount of said expense and interest upon the lands contained within the territory reported by them originally or as corrected by the supreme court, in proportion, as near as they can judge, to the benefit derived from said drainage by the several parcels of land to be assessed; and in making said assessment, the several parcels of land assessed may be designated by the name of the owner or the occupier, or in such other manner as may be most convenient in each case, and the assessment may be made either upon each separate parcel in gross or at a rate per acre; and the assessment made upon each parcel of land, with lawful interest thereon, shall be a first and paramount lien upon the said parcel of land, without regard to whom the owner or owners of said lands may be; and when the said assessment shall be completed, the same shall be deposited in some convenient place for the inspection of the parties interested; and notice of the completion of said assessment and of the place where the same shall be so deposited, shall be given in at least two newspapers circulating in the vicinity of said lands, and published at least once a week for six weeks, which notice shall designate a time and place when and where the said commissioners will meet to hear objections to said assessments; and the commissioners, having heard and decided upon such objections as shall be made to them, they shall proceed to complete their assessments and shall file the same in the clerk's office of the supreme court, and a copy thereof, or of so much of the same as shall be made on lands in any one county, shall be filed in the clerk's office of said county, and notice of the filing thereof shall be given in at least two newspapers, circulating as before mentioned, once a week for at least four weeks, after which, if no objections be made to said assessment, the same shall be confirmed and made absolute by the supreme court; if any objections to said assessment be filed in the said period of four weeks, the supreme court shall hear and determine said objections in a summary manner and with as little delay as possible; but they shall not reverse said assessment,

Objections may be filed and determined.

Expense and interest shall be distributed and assessed according to benefits.

Completion of assessment and meeting to hear objections shall be advertised.

Assessments shall be filed in supreme court clerk's office.

Notice of filing shall be advertised.

Objections shall be heard and determined.

Assessments shall not be reversed except for error.

Shall be corrected as court decides.

Further objections shall be considered.

When assessment is finally confirmed copy thereof shall be delivered to the township committee.

Notice to owners to pay assessments shall be advertised.

Section amended.

Land may be advertised and sold to pay assessment.

or any part thereof, except for some error in the law, or in the principles of assessment made or committed by said commissioners ; if for any such cause the said assessment, or any part thereof, shall be reversed, it shall be again referred to the said commissioners to be corrected in accordance with the decision of the court in that behalf, and when corrected and filed as before, four weeks' notice as aforesaid shall be given thereof, after which, if no further objections are made, the said assessment, as corrected, shall be confirmed ; but if any further objections be made, the same shall, from time to time, be considered and determined as before, until the court shall finally confirm the assessment as duly modified and corrected ; and when said assessment shall be finally confirmed, the said commissioners shall forthwith make, under their hands and seals, a copy of so much thereof as shall have been levied on lands within the boundaries of any township or townships, respectively, and deliver the same to the township committee wherein such lands are situate ; and as soon as any such township committee shall receive such copy of said report, or part thereof, they shall give notice by publication in two or more newspapers circulating in the vicinity of said lands, such notice to be published at least once in a week for four weeks, requiring the several owners, or other parties interested in the lands so assessed, to pay the assessments thereon to the collector of the township in ten equal annual installments, at such times and places in said township as shall be designated by said township committee.

2. *And be it enacted*, That section three of an act entitled "An act to provide for the drainage of lands," approved March eighth, one thousand eight hundred and seventy-one, be and the same is hereby amended so as to read as follows :

3. *And be it enacted*, That if any installment of such assessment on any lot or parcel of land in any such township shall not be paid within thirty days after the time mentioned in the said notice calling for payment thereof, the collector of the township is hereby authorized and empowered to advertise such lot or parcel of land for sale by advertisement, signed by him and published in two or more newspapers circulating in the vicinity thereof, for the period of four weeks next before the time fixed for such sale, and by posting five or more similar notices in different public places in the township ; and at the time and place fixed in

said notice, or at a subsequent time to be fixed by adjournment, the said collector shall offer to sell such lot or parcel of land for the least number of years that any person will take the same and pay the whole assessment thereon with interest at the rate of ten per centum per annum from and after the time fixed by said notice for the payment thereof, together with the costs and expenses of such sale, and on receiving from the purchaser the amount of the whole assessment with interest, costs and expenses of sale the said collector shall give him or her a deed of conveyance for said land for the period or term for which the same was struck off, and thereupon such purchaser shall be entitled to immediate possession of said land, and to take rents, issues and profits thereof for the period or term for which the same was sold; and if at the time when said collector shall offer such lot or parcel of land for sale as aforesaid no person shall agree to take the same for any term of years and pay such assessment, interest, costs and expenses, the said collector shall forthwith offer such lot or parcel of land for sale in fee simple absolute for the highest price that any person will bid for the same, and upon receiving the amount so bid the said collector shall execute, under his hand and seal, and deliver to such purchaser a deed for said lot or parcel of land, and such purchaser, his heirs and assigns, shall thereby acquire and take a good and sufficient title to the same in fee simple absolute, free of all incumbrances (except taxes, assessments or water rates levied after the confirmation of the said report), of which the said deed shall be presumptive evidence in all courts and places; and in any proceedings or actions by the said purchaser, his legal representatives or assigns, taken, prosecuted or defended for the recovery or possession of the property so sold or in the establishment or defense of his title thereto, the said title shall not fail or be defeated by reason of any irregularity or formal defect in any proceeding had or taken under this act; *provided*, it does not appear

Proviso.

that any substantial injury was done to the owner of the property by reason of any such irregularity or formal defect; the township wherein any such lot of land may be situate may be a purchaser at any sale of such lands, and thereby obtain the same title and estate therein as any other purchaser, and the deed therefor shall be delivered by such collector to the township committee for the benefit of the township; and if possession of any lot or parcel of land

Township may purchase.

Court may order sheriff to put purchaser in possession.

Whole amount of assessment less expenses shall be paid to commissioners.

Surplus shall be paid into the court.

How the word "township" shall be construed.

Duties of treasurer or collector.

sold in pursuance of this act, either for a term of years or in fee, be denied or resisted by any person or persons, the supreme court of this state, on application made thereto, and the fact of such sale being shown by affidavit and a copy of the deed, shall make an order directing the sheriff of the county in which said land may be situate to put such purchaser in possession; and within one year from and after the time when such copy of said report or part thereof shall have been served on the township committee of any township, such township shall pay to said commissioners the whole amount of the assessment levied on land therein as shown by such copy, with interest collected or collectible thereon, less three per centum thereof, which may be retained by such collector for services in making collections, together with a charge of five dollars, which shall be made to cover costs and expenses of advertising or making sale of each lot or parcel of land sold; and in case any lot or parcel of land shall be sold for a greater sum than the amount of the assessment thereon with interest and costs and any question or doubt shall arise as to the person entitled to such surplus, the same shall be forthwith paid into the supreme court to be paid out to the person or distributed among the persons or parties entitled thereto, in pursuance of an order or orders to be made by said court for that purpose, upon application and notice to all parties interested.

3. *And be it enacted*, That the word "township," as used in this supplement shall be construed to include town, village, borough, or such other municipal division of any county in which such lands so assessed may be situate, and that the legislative or governing body of any such town, village, borough or such other municipal subdivision, shall perform the duties in respect to such assessments and proceedings thereon within their respective municipalities as are hereby required of the township committee, in case such land lies in a township; and the treasurer of any such town, village, borough or other municipal subdivision, or such other officer as shall be charged with the duty of collecting therein, shall perform the duties in respect to such assessments and proceedings thereon within such municipalities as are hereby required of the township collector in case such land lies in a township.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1894.



## CHAPTER CLXXIV.

An Act concerning the fire departments of cities of the first class in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of fire commissioners, or board having charge of the department for the extinguishment of fires in any city of the first class in this state, shall have the entire control and management of all the fire engine houses and fire bell or fire alarm towers or structures in any such city, and of all engines, hose wagons, trucks, fire alarm telegraph, fire bells and other apparatus of every description connected with or appertaining to the fire department of any such city. Board in charge of department shall have entire control thereof

2. *And be it enacted*, That it shall be the duty of said board to keep and maintain in good order and repair all the houses and apparatus of said fire department, and to make such alterations and additions thereto as may be necessary for the better efficiency of the department; *provided*, that the expenditures by said board for any purpose shall comply with the provisions of law now or hereafter in force fixing and limiting appropriations and their disposition. Duties of board

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately. Repealer.

Approved May 9, 1894.

## CHAPTER CLXXV.

A Supplement to an act entitled "An act for the relief of creditors against absconding and absent debtors" [Revision], approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four.

Plaintiff in  
statement  
shall first be  
paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every distribution made in any suit hereafter commenced under the act to which this is a supplement of any moneys attached or arising from the sale of goods and chattels, lands and tenements of the defendant or defendants, and in any assignment made of choses in action, rights and credits of such defendant or defendants, there shall first be paid to the plaintiff or plaintiffs in attachment the whole amount of his or their judgment against the defendant or defendants, and the balance of the moneys shall be distributed and the choses in action, rights and credits assigned among the rest of the applying creditors as now provided by law.

Repealer.

2. *And be it enacted*, That all acts and parts of acts in so far as they may be inconsistent with this act are hereby repealed

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1894.

## CHAPTER CLXXVI.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

WHEREAS, Doubts have arisen whether the provisions of the above-mentioned act permit the organization of boroughs embracing within their territory parts of more than one township; now, therefore,

Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a further supplement be and the same are hereby declared to be applicable to the formation of boroughs embracing within their territory parts of more than one township, and that all boroughs heretofore or hereafter formed by virtue of this act, embracing within their territory parts of more than one township, shall be as valid as if the same included part of one township only; *provided*, that the provisions for the formation of such boroughs are otherwise regular and in conformity to said act.

Act applicable to formation of boroughs lying in more than one township.

Proviso.

2. *And be it enacted*, That at the election for borough officers the legal voters of such borough shall be entitled to vote for a chosen freeholder who shall represent such borough in the board of chosen freeholders of the county in which such borough is situated, and be a member of such board, but that such voters shall not be entitled to vote for chosen freeholder for any of the several townships in which such borough is situated, and of which it forms a part.

Entitled to vote for borough chosen freeholders only.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved May 9, 1894.

## CHAPTER CLXXVII.

## An Act authorizing the issuance of tax arrearage bonds in townships.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in any township in this state which now has, or which may hereafter have tax arrearages due and unpaid, and which are a lien upon real estate in said townships, which shall in the aggregate equal or exceed the sum of one hundred thousand dollars, it shall be lawful for the township committee of any such township to direct by resolution, which shall recite the amount of such unpaid tax arrearages, that "tax arrearage bonds" shall be issued to an amount not exceeding eighty per centum of the original assessment of taxes so remaining unpaid, and it shall be lawful for the township committee to issue its corporate bonds for such an amount, pledging the whole property of the township for the payment thereof, and especially pledging all receipts from such arrearages of taxes so funded thereby, and such bonds shall be signed by the chairman of the township committee and attested by the township clerk under the corporate seal of the township, and shall bear interest at a rate not greater than five per centum per annum, payable semi-annually, and shall not be sold at less than par, and said bonds may be either registered or coupon, as the said township committee may direct.
2. *And be it enacted*, That all moneys received as principal and interest on account of said taxes in arrears, for the arrearage of which bonds shall be issued by virtue of the provisions of this act, are hereby pledged and appropriated to commissioners of the sinking fund of such townships heretofore appointed or hereafter to be appointed by ordinance of such townships for the payment of the principal and interest of such bonds issued under this act, and it shall be the duty of such commissioners of the sinking fund to pay the interest on such bonds as the same falls due, and all surplus money coming into their hands above the amount needed to pay the interest shall be safely invested by them and applied to the payment of said bonds as they fall due.
- When tax arrearage bonds shall be issued.
- Amount of limited.
- Receipts for arrearages shall be pledged for redemption of bonds.
- Interest on bonds limited.
- Principal and interest on account of arrearages appropriated to sinking fund.
- Commissioners shall pay interest and invest surplus.

3. *And be it enacted*, That it shall be the duty of the duty of the collector, receiver of taxes or township treasurer, as the case may be, to keep a separate account of all moneys received on account of taxes in arrears, for the arrearage of which bonds have been issued under the provisions of this act, and pay the same as received to or deposit the same in a designated depository to the credit of the commissioners of the sinking fund of such township as he may be directed by the township committee by resolution.

Separate account of receipts of arrearages shall be kept.

4. *And be it enacted*, That the bonds issued under the provisions of this act shall be payable within not more than twenty years from their date, and may be made payable in equal annual installments, at the option of the township committee.

Bonds payable within twenty years.

5. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1894.

## CHAPTER CLXXVIII.

### An Act in relation to savings banks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where it is provided by any special act incorporating any savings bank in this state (and which act is still in force) that additional or new managers may be elected by receiving the votes of a certain number of the managers of said bank, and it appears that by death or resignation the number of managers of such bank has been reduced to less than the number required by their said act of incorporation to elect a new member, it shall and may be lawful to elect a new member or members by the votes of a less number of the managers; *provided*, they be the votes of the entire number of the present managers; *and provided, further*, that after the number of managers has been increased to the number originally required to elect a new manager, that then no new manager

When lawful to elect new members of board of managers.

Providso.

Providso.

shall be elected unless he receives the number of votes originally required by their charter to elect a new manager.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1894.

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## CHAPTER CLXXIX.

An Act to prescribe the mode of filling vacancies in municipal offices in cities of this state when such vacancies have heretofore occurred or shall hereafter occur by reason of the failure of municipal officers to take and subscribe the oath of office within the time prescribed.

Officer failing  
to subscribe  
oath may  
qualify.

Proviso.

1. *BE IT ENACTED by the Senate and General Assembly of the the State of New Jersey*, That whenever any vacancy has heretofore occurred, or shall hereafter occur in any municipal office in any city of this state, by reason of the failure of the person elected or appointed to fill such office to take and subscribe the oath of office required by law, within the time prescribed, such vacancy shall cease, and such office shall be filled, by the person so failing to qualify, upon his taking and subscribing the oath required by law, before any officer of this state authorized to administer oaths, provided such oath shall be taken and subscribed by such person within thirty days after the expiration of the time within which such officer was required by law to so qualify into office.

2. *And be it enacted*, That all acts and parts of acts, general or special, public or local, inconsistent with the provisions of this act be, and the same are hereby repealed, and this act shall take effect immediately.

Approved May 9, 1894.

## CHAPTER CLXXX.

## An Act respecting conveyances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any deed or conveyance for lands or real estate in this state shall purport to have been executed by virtue of any letter or letters of attorney, and said deed shall have been properly acknowledged and recorded, that the recital of letter or letters of attorney in said deed shall be prima facie proof of the existence thereof, notwithstanding the same may not be recorded; *provided, however*, such deed or deeds shall have been recorded at least ten years; and the person or persons claiming under said deed shall take and subscribe an oath or affirmation that he, she or they has or have seen such letter or letters of attorney so recited, which shall be recorded in the register of deeds or the county clerk's office, as the case may be, in the county where such lands are situate, in the book therein provided for the recording of the powers of attorney to convey lands.

When conveyance purports to have been executed, &c., and properly acknowledged and recorded, letters of attorney shall be prima facie proof thereof.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 14, 1894.

## CHAPTER CLXXXI.

An Act relating to the unsealing and recording of bids for public work or supplies by managers of state institutions and by governing bodies of counties or cities of this state and providing penalties for neglect of same.

How boards  
&c. having  
control shall  
proceed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when bids or proposals for supplies or for public works or building or other public purposes are asked for by boards of managers having charge of any of the public institutions of the state, or by boards of freeholders, common councils, boards of works or other bodies having control of the counties or cities of the state, or any department of the same, or any properly appointed committees representing such boards or bodies such boards or bodies or committees shall proceed in the manner following, to wit: said boards or governing bodies or committees shall give public notice at the time such bids or proposals are advertised, of the time and place when such bids shall be received, and at such time and place the said board or governing body or committee, being in session, shall receive such bids and thereupon immediately proceed to unseal the same and publicly announce the contents in the presence of the parties bidding or their agents, provided said parties or agents choose to be then and there present, and also make proper record of the prices and terms upon the minutes of the body; no bids shall be received previous to the hour designated in the public notice and none shall be received thereafter.

Failure to com-  
ply with act  
a misdemeanor

Penalty.

2. *And be it enacted*, That any failure to comply with the provisions of this act shall be deemed a misdemeanor; for the first offense any person neglecting to conform to the provisions of this act shall be subject to a fine of two hundred and fifty dollars; for any repetition of the offense the person convicted shall be subject to a fine not less than two hundred and fifty dollars and not more than five hundred dollars or to imprisonment in the county jail not less than three months and not more than one year, or both, fine and im-



prisonment within the limits aforesaid, at the discretion of the court.

3. *And be it enacted*, That all acts inconsistent with this Repeater. act are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 14, 1894.

## CHAPTER CLXXXII.

A Further Supplement to an act entitled "An act for the formation and government of villages," approved February twenty-third, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any village organized under the act to which this is a further supplement, shall, at the annual election for village trustees, elect an assessor for said village, to serve for the term of three years, who shall be a member of the county board of assessors, and shall possess the same powers and perform the same duties within the limits of said village, as assessors within the several townships of this state and receive like compensation. Assessor shall be elected.

2. *And be it enacted*, That all taxes to be assessed and raised within said village shall hereafter be assessed by the village assessor and not by the township assessor, as heretofore (except as hereinafter provided), and that there shall be apportioned to the village by the proper officers in the manner provided by the act concerning taxes, approved April fourteenth, one thousand eight hundred and forty-six, and the various supplements thereto, the just proportion of the state, county and township or other taxes to be raised from the property or persons liable to taxation within the limits of said village. Who shall assess all taxes.

3. *And be it enacted*, That said village assessor shall, on or before the third Tuesday of August in each year, deliver Shall deliver duplicate to trustees

Shall attend  
meeting of  
county board

Proviso.

Township  
commission-  
ers of appeals  
shall hear and  
determine ap-  
peals.

Trustees shall  
appoint for the  
interim.

In case of fail-  
ure to appoint,  
township as-  
sessor shall  
act.

the duplicate of such assessment to the said village trustees, to be by them examined, revised and corrected, and shall attend the meeting of the county board of assessors and take part therein, and shall as required by law for assessors of township, deliver a duplicate of said assessment to the township collector of the township wherein said village shall be located; *provided*, that in case said village lies in more than one township, the said assessor shall make a separate duplicate for each township forming a part of said village, whereon shall be shown the assessment of taxes for the property and persons within the limits of each township separately and respectively, and shall deliver said duplicates to the collector of the proper township, which taxes shall be collected by the collector of said township or of each township wherein said village lies, in the manner now provided by law.

4. *And be it enacted*, That all proceedings in the nature of appeal from an assessment shall be heard and determined by the commissioners of appeal in and for the proper township in the same manner as appeals from assessments by township assessors are heard and determined, and that all further proceedings for the collection of said taxes shall be in accordance with the general law regulating the collection of taxes in townships.

5. *And be it enacted*, That it shall be lawful for the village trustees in any village heretofore organized or hereafter to be organized under said act, to appoint an assessor, who shall hold his office until the next annual election, and the assessor so appointed shall have all the powers and discharge all the duties of the office of assessor in said village as herein provided, and in case any vacancy shall hereafter arise in the office of assessor in said village, it shall be lawful for the said village trustees to fill said vacancy by appointment until the annual election next succeeding the occurrence of said vacancy.

6. *And be it enacted*, That in case the village trustees in any village in this state shall fail to make an appointment of a village assessor as herein authorized, then it shall be lawful for the township assessor of the proper township to assess the taxes for the year one thousand eight hundred and ninety-four in accordance with the provisions of the act to which this is a supplement.

7. *And be it enacted*, That so much of the act to which <sup>Repealer.</sup> this is a supplement as is inconsistent with the provisions of this supplement be and the same is hereby repealed, and that this act shall take effect immediately.

Approved May 14, 1894.

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### CHAPTER CLXXXIII.

An Act to amend an act entitled "An act to amend an act entitled 'An act in relation to the temporary custody of dangerous lunatics,' approved March twenty-third, one-thousand eight hundred and eighty-eight," which amendatory act was approved March ninth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled <sup>Act amended.</sup> "An act to amend an act entitled, 'An act in relation to the temporary custody of dangerous lunatics,' approved March twenty-third, one thousand eight hundred and eighty-eight," which amendatory act was approved March ninth, one thousand eight hundred and ninety-one, be and the same is hereby amended to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of the said act of which this act is amendatory, be and the same is hereby amended to read as follows :

5. *And be it enacted*, That the expense of confining such lunatic temporarily while making the application for his or her admission to a lunatic asylum, or removing him or her thereto, or to the place of his or her legal settlement, shall be chargeable to and borne by the city, borough, township or other municipality in which such dangerous lunatic may have been found at the time of his or her temporary confinement; *provided, however*, that if in any case such confinement is continued beyond the term or period of ten days, and then in every such case, the expense incurred <sup>Municipality shall pay all expenses.</sup> <sup>Proviso.</sup>

County shall  
pay after ten  
years.

Upon failure to  
apply for ad-  
mission muni-  
cipality still  
chargeable.

Proviso.

after the termination of said period, shall be charged to and paid by the county in which such city, borough, township or other municipality is situated, unless the city attorney or officer acting in that capacity in cities, boroughs or other municipalities, or the chairman of the township committee in townships in which such dangerous lunatic may be apprehended, neglect to apply to the court or a judge thereof for the admission of such lunatic into the state or county lunatic asylum, as the case may be, in the manner prescribed by law, and in case of such neglect, such city, borough, township or other municipality shall be chargeable in the same manner in which it is chargeable during the said term or period of ten days; *and provided, further*, that nothing in this act shall prevent the transfer of such dangerous lunatic to his or her legal settlement in case the same shall be subsequently ascertained.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 14, 1894.

## CHAPTER CLXXXIV.

An Act to authorize the boards of chosen freeholders of the respective counties of this state to make appropriations for the payment of rent of armories and drill rooms.

Chosen free-  
holders au-  
thorized to  
make appro-  
priation for.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the boards of chosen freeholders of the respective counties of this state, and in which counties there are or hereafter may be any regularly organized and enrolled regiment or company comprising a part of the militia or national guard of this state, under the control of and subject to the orders of the proper military authorities of the state, are hereby authorized to include in their respective annual appropriations for county purposes a sum not less than two hundred and not to exceed five hundred dollars for each such company, designating the amount ap-

propriated to each company separately, for the purpose of paying the rent of such armory or drill room, or to be applied to the payment in part of the rent of such armory or drill room as may be from time to time actually occupied, used by and in the possession of such company for the purposes of such armory or drill room.

2. *And be it enacted*, That the amount so appropriated shall be included in the annual-tax levy and shall be assessed and collected in the same manner and subject to the same provisions as other taxes ordered to be assessed by such board of chosen freeholders for county purposes. Amount shall be included in annual tax levy.

3. *And be it enacted*, That the amount so as aforesaid appropriated, assessed and collected shall be paid by the several collectors of taxes in the municipalities of the county in which such appropriation shall have been made to the county collector or treasurer, who shall upon receipt of the same pay such sum as may have been appropriated to each of the respective companies for the purpose provided by this act to the commandant of such company, whose receipt for the same shall be a sufficient voucher for such payment. County collector shall pay amount.

4. *And be it enacted*, That this act shall not affect any of the cities of this state.

5. *And be it enacted*, That this act shall take effect immediately. Act shall not affect cities.

Approved May 14, 1894.

## CHAPTER CLXXXV.

A Further Supplement to an act entitled "An act to revise and amend 'An act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," approved March twenty-seventh, one thousand eight hundred and eighty-eight.

Appointment  
shall be non-  
partisan.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all appointments to be made by the governor, of members of the state board of assessors, established under the provisions of the act to which this is a supplement, whether by reason of the expiration of the term of office of any member of the said board, or to fill any vacancies in said board caused by death, resignation or otherwise, shall be so made that not more than two members of the said board at any time shall be members of the same political party.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 14, 1894.

## CHAPTER CLXXXVI.

An Act relative to bonds, undertakings, recognizances, guarantees and other obligations required or permitted to be made, given, tendered or filed with surety or sureties and to the acceptance as surety or guarantor thereupon of companies qualified to act as such.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bond, undertaking, recognizance or other obligation is by law, or the charter ordinances, rules or regulations of any municipality, board, body, organization, or public officer, required or permitted to be made, given, tendered or filed, with surety or sureties; and whenever the performance of any act, duty or obligation, or the refraining from any act, is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guarantee may be executed by a surety company qualified to act as surety or guarantor and approved, as hereinafter provided; and such execution by such company of such bond, undertaking, obligation, recognizance or guarantee shall be in all respects a full and complete compliance with every requirement of every law, charter, ordinance, rule or regulation that such bond, undertaking, obligation, recognizance or guarantee shall be executed by one surety or by one or more sureties or that such sureties shall be residents or householders, or freeholders, or either, or both, or possess any other qualification; and all courts, judges, heads of departments, boards, bodies, municipalities and public officers of every character shall accept and treat accordingly such bond, undertaking, obligation, recognizance, or guarantee when so executed by such company, as conforming to and fully and completely complying with every such requirement of every such law, charter, ordinance, rule or regulation.

2. *And be it enacted*, That such company to be qualified to so act as surety or guarantor must be authorized under the laws of any state where incorporated and its charter, to

Surety company qualified to act as surety or guarantor.

Guarantee of shall answer every requirement of law.

Company must be authorized by law.

Company must comply with laws of this state and be approved by the chancellor.

Liabilities of company must not exceed available assets.

Repealer, except as to act for incorporation of safe deposit and trust companies.

guarantee the fidelity of persons holding places of public or private trust, and to guarantee the performance of contracts other than insurance policies, and to execute bonds and undertakings required or permitted in actions or proceedings or by law allowed ; must comply with the requirements of every law of this state applicable to such company, in doing business therein, and also with such requirements as the chancellor shall make for the purpose of affording greater security for those whose benefit such bonds, undertakings, obligations, recognizances or guarantees may be given, and said company be approved by the chancellor generally as a company qualified under this act, and of sufficient credit and standing to warrant its acceptance as surety or guarantor on such bonds, undertakings, obligations and guarantees ; the liabilities of such company must not exceed its available assets, and which liabilities shall be taken to be its capital stock, its outstanding debts and a premium reserve equal to fifty per centum of the annual premiums on all outstanding risks then in force.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same hereby are repealed, except that the provisions of this act shall not repeal, alter, abrogate or interfere with any of the provisions of the act of the legislature of this state entitled "A further supplement to an act entitled 'An act for incorporation of safe deposit and trust companies,' " approved April twentieth, one thousand eight hundred and eighty-five, which further supplement was approved April twenty-sixth, one thousand eight hundred and ninety-four.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 14, 1894.



## CHAPTER CLXXXVII.

An Act to provide that school trustees and boards of education in every school district of this state shall furnish free text-books and all necessary supplies to all scholars attending the public schools.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That school trustees and boards of education shall purchase text-books and other necessary school supplies for use in the public schools of their respective school districts, as such new text books and supplies are required in addition to those at present in use in the hands of pupils or owned by the school districts, out of a free text-book fund of the district, to be raised by special school tax, which shall be assessed and collected in the same manner as moneys for public school purposes are now raised by law, and when so procured the necessary books and school supplies shall be furnished free of cost for use in the schools of said districts, subject to the order of the school trustees and boards of education thereof, whose duty it shall be to provide for the return of and safe keeping and care of the books, which shall be returned at the close of the annual school term in each year, or as the board may direct.

Trustees shall supply text books, &c.

Fund for shall be raised by special tax.

Provision shall be made for return of books.

2. *And be it enacted*, That the board shall keep an account of all moneys expended under the above section, and report it under separate items in the annual financial accounts as authorized by law

Trustees shall annually report amount expended.

3. *And be it enacted*, That it shall not be lawful for the county superintendents, school trustees or boards of education, or any other person officially connected with the common-school system, to become agents for the sale, or in any way unlawfully promote the sale, of any school books, maps, charts, school apparatus or stationery, or to receive unlawful compensation for such sale, or promotion of sale, in any manner whatsoever, and any violation of the provisions of this section shall be deemed a misdemeanor, and punishable with removal from office.

School officials shall not act as agents.

Penalty.

Director or president of school board shall not be interested in furnishing books, &c.

4. *And be it enacted*, That it shall not be lawful for any director or president of any school board in this state to be interested in the furnishing of books or any other supplies for said schools.

5. *And be it enacted*, That this act shall take effect immediately.

Approved May 14, 1894.

## CHAPTER CLXXXVIII.

A Further Supplement to an act entitled "A supplement to an act entitled 'An act to regulate fishing with seines in Barnegat bay, passed February seventeenth, one thousand eight hundred and forty-two,' which supplement was approved April twenty-first, one thousand eight hundred and seventy-six."

**Act amended.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "A supplement to an act entitled 'An act to regulate fishing with seines in Barnegat bay, passed February seventeenth, one thousand eight hundred and forty-two,' which supplement was approved April twenty-first, one thousand eight hundred and seventy-six," be amended so as to read as follows :

**Closed season for fishing with nets, &c.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall not be lawful for any person or persons to set, haul or use within the tide-waters of Barnegat bay, or any of the rivers, coves or other tributary waters thereof, any net or nets, fike or fikes, pound or pounds, weir or weirs for the purpose of taking fish therefrom, during the months of May, June, July, August, September and October of each year; *provided*, that nothing herein contained shall prevent the setting or using of fikes during the months of November, December, January, February, March and April of each year hereafter; *provided, further*, that it shall

**Provide.**

**Provide.**

not be lawful for any person or persons to set or use within the tide waters of Barnegat bay or any of the rivers, coves or other tributary waters as aforesaid, any pound or pounds, weir or weirs for the purpose of taking fish therefrom; *and provided, further*, that it shall be unlawful for any person or persons to use for fishing a net or nets of less than three inch mesh. Proviso.

2. *And be it enacted*, That it shall not be lawful for any person or persons to haul or use any seine or other moving net for the purpose of taking fish from the waters of said Barnegat bay during the months of May, June, July, August, September and October of any year; nor shall it be lawful to use any seine or other net for fishing in the waters of said bay, composed in any of its parts, of meshes of less size than three inches; *provide*, that it shall and may be lawful to haul seines in the several tributary rivers, creeks, streams and coves of said bay, and in that portion of the bay proper which lies within the present limits of the township of Brick, for the purpose of taking herring therefrom, during the months of March, April, May and June, yearly and every year, the smallest meshes of which shall not be less than two inches in size. Size of meshes.

3. *And be it enacted*, That that all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved May 14, 1894.

## CHAPTER CLXXXIX.

A Supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the term of office of any township or borough collector shall expire before the close of the school year, such township or borough collector shall remain and continue to be the custodian of the school moneys, and shall pay the orders legally issued in accordance with the provisions of the act to which this is a supplement, until the close of the school year, and his bondsmen shall remain and be legally bound for the faithful performance of his duties until the final settlement of his accounts.

Bondsmen of township or borough collector shall be liable until final settlement.

Collector legal custodian of school moneys.

Proviso.

Applies only to certain boroughs.

2 *And be it enacted*, That in any borough in this state having a borough collector, said borough collector shall be the legal custodian of the school moneys belonging to the school district in which such borough is situated, and such borough collector shall be entitled to the same compensation as is now paid township collectors for receiving and paying out school moneys; *provided*, that if such borough collector is paid a stated salary by the borough for the performance of his duties as borough collector, then and in that case he shall not be paid any additional compensation for receiving and paying out the school moneys.

3. *And be it enacted*, That this act shall apply only to boroughs in which are located all the school buildings belonging to the school districts in which such boroughs are situated, and that the township collector shall be the custodian of the school moneys belonging to any school district comprised of a borough and a portion of an adjoining township, and which school district has school houses located both in the borough and in the township.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 14, 1894.

## CHAPTER CXC.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That to each troop of cavalry there shall be one surgeon with the rank of first lieutenant of cavalry, and one assistant surgeon with the rank of second lieutenant of cavalry, and one hospital steward, who shall be staff officers, commissioned and warranted respectively, of the said troop of cavalry. Cavalry troop shall have surgeon, &c.

2. *And be it enacted*, That the governor and commander-in-chief is hereby authorized to appoint and commission one paymaster, with the rank of captain, to be attached to the paymaster-general's department. Paymaster may be commissioned for.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 14, 1894.

## CHAPTER CXCI.

A Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six.

When taxes shall be considered as in arrears.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any sale shall have been made or shall hereafter be made for unpaid taxes under the provisions of the thirteenth section of the act to which this is a supplement, or any supplements thereto or any amendments thereof, and the city shall have become or shall hereafter become the purchaser at such sales, the amount of taxes for which such sales have been made, whether such sales are invalid or not, shall be deemed to be in arrears within the meaning of the second section of the act to which this is a supplement, and the supplements thereto, and to have been so in arrears from the date when said taxes were assessed, levied or confirmed, or attempted to be assessed, levied or confirmed, and be subject to adjustment of arrearages under said act and the supplements thereto.

Money received from lands purchased at tax sale shall form sinking fund to redeem bonds.

2. *And be it enacted*, That where any sales have been made or shall hereafter be made under the provisions of the said thirteenth section of the act to which this is a supplement, or any supplement thereto or any amendment thereof, and the city shall have become or shall become the purchaser at such sales, and shall hold said lands so purchased and the proceeds thereof, if any are redeemed, as security for any bonds issued by said city, and said taxes shall be hereafter adjusted under the provisions of the first section of this act, then all moneys realized by said city from such adjustment for the years for which lands shall

have been sold for such taxes, shall be and remain a sinking fund for the redemption and payment of all bonds which may have been issued upon the pledge of such lands or the proceeds thereof, for the payment of the same.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 14, 1894.

## CHAPTER CXCI.

A Further Supplement to an act entitled "An act to provide for the more permanent improvement of the public roads of this state," approved April fourteenth, anno domini one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That forty per centum of the cost of all roads constructed in this state under the act to which this is a supplement and the supplements thereto, shall be paid for out of the state treasury; and that twenty-five per centum of the cost of roads hereafter petitioned for and constructed in any county shall be paid by the townships in which said roads are situated, and the balance of the cost thereof shall be paid by the county and the petitioners, as heretofore provided in the act to which this is a supplement; the amount to be paid by the townships shall be certified by the board of chosen freeholders to the township assessors, and such amount shall be assessed, collected and paid over to the county collector in the same manner that other county taxes are assessed, collected and paid over; and where said road lies in more than one township the share of each township shall be in proportion to the length of the road in such township; *provided*, that the estimated cost of all improvements made under this act for constructing and repairing roads in any county in any one year shall not exceed one-fourth of one per centum of the ratables of such county for the last preceding year; *and provided*, that said board of chosen freeholders shall not contract for more

State shall pay  
40 per cent.

Townships  
shall pay  
twenty-five  
per cent.

County and  
petitioners  
shall pay  
balance.

Chosen free-  
holders shall  
certify amount  
to be assessed,  
&c.

Proviso.

Proviso.

roads in any one year, the estimated cost of which, with repairs upon roads already constructed, will exceed said per centum of ratables, nor shall the president of the state board of agriculture approve more contracts and specifications than can be met by the state appropriation for that year; and where more roads are applied for than can be constructed under said act and the supplements thereto, the said boards of chosen freeholders shall have the power and authority to select from the roads petitioned for the ones to be constructed, having regard to the most important roads and the distribution of the benefits of said act to all parts of their counties.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 14, 1894.

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## CHAPTER CXCIIL.

A Further Supplement to an act entitled "An act to provide for the more permanent improvement of the public roads of the state," approved April fourteenth, anno domini one thousand eight hundred and ninety-one.

What petition  
shall set forth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition shall be presented to the board of chosen freeholders of any county signed by the owners of at least two-thirds of the lands and real estate fronting or bordering on any public road or section of road in such county, not being less than one mile in length, praying the board to cause such road or section to be improved under the act to which this is a supplement, and setting forth that they are willing that the peculiar benefits conferred on the lands fronting or bordering on said road or section shall be assessed thereon in proportion to the benefits conferred to an amount not exceeding ten per centum of the entire cost of the improvement, and requesting that said improvement be made by the use of oyster shells, gravel or bog-iron ore, it shall be the



duty of the board of chosen freeholders, before causing such improvement be made by the use of oyster shells, gravel or bog-iron ore, to ascertain the location of the road or section so to be improved, the amount of travel thereon, the nearness of such material to said road and the quality thereof; and if said board shall determine that the location of said road, the amount of travel thereon and the nearness of the material to be used and the quality of the same are such, in their judgment, as to justify the use thereof upon said road or section, said petition, with the results of the investigation of the board of chosen freeholders and their decision thereupon, shall be presented to the president of the state board of agriculture, and if said material shall be approved by a competent engineer and said president of the state board of agriculture as suitable for the proposed road, then said president of the state board of agriculture shall indorse his approval thereon, whereupon the said board of chosen freeholders shall proceed in the same manner as is provided in the act to which this is a supplement and cause such improvement to be made by the use of gravel, oyster shells or bog-iron ore.

Chosen freeholders shall ascertain certain facts before ordering improvements.

Result shall be submitted to and approved by president of state board of agriculture.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved May 14, 1894.

## CHAPTER CXCV.

A Supplement to an act entitled "An act to provide for the extinguishment of forest fires in the third and fourth class counties of this state, and to provide for the payment of the expense thereof," approved March twenty-third, one thousand eight hundred and ninety-two.

## Preamble.

WHEREAS, Forest fires, very destructive in their effects, are of frequent occurrence in the timbered portion of this state; and, *whereas*, owing in a great measure to a lack of legal authority in the premises, no intelligently organized system of fighting and extinguishing such fires prevails; in remedy whereof,

Township  
committee  
shall appoint  
fire marshal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township, in counties of the third and fourth class in this state, where any sum of money shall be raised under the act to which this is a supplement, to defray the expenses of fighting and extinguishing forest fires, it shall be the duty of the township committee of such township, at its next meeting after such sum shall have been ordered raised, to appoint a suitable person, being a resident of said township, to act as fire marshal thereof, and at the same time to determine the amount of compensation per diem to be paid such fire marshal when in the active performance of his duties; upon notice from the person so appointed of the acceptance of the said office the said township committee shall immediately issue to him a certificate of his appointment, under their hands and the seal of the township.

Marshal shall  
appoint deputy

2. *And be it enacted*, That after receiving his certificate of appointment as aforesaid, shall have the power to designate and empower a proper person to act as his deputy in case of his absence or disability from any legitimate cause, and the said deputy shall, while engaged in the active duties of the said office, receive the same compensation per diem as his chief.

3. *And be it enacted*, That it shall be the duty of said marshal, on being apprised of the existence of any forest fire, either in his own township or any adjoining township, by which the safety of any property in his own township may be imperiled, to proceed forthwith to the location of such fire, and assume absolute direction and control of all operations to be undertaken for the extinguishing thereof within the bounds of his own township; he shall have the power during the continuance of such fire to appoint as many persons to act as aids in carrying out his instructions as he may deem necessary, and all persons employed by the township committee, and all other persons present who may be actively engaged in subduing such fire, shall act in the premises solely according to his orders and those of his authorized aids; he shall keep as nearly as possible a correct account of the names of all persons actively engaged in fighting such fires, together with the time in which they are so employed, and in a reasonable time after such fire shall have been effectually extinguished he shall report a statement of said account to the township committee of his township.

Duties of marshal.

4. *And be it enacted*, That the township committee of such townships shall cause to be made an accurate map or maps of such portions of the forest lands of their township as are in their opinion ordinarily subject to damage by fires, with all public highways, railroads and such private and by-roads running through the same as are deemed necessary accurately delineated thereon, together with such distances between any given points on said roads or their intersections with other roads as may seem advisable, and shall cause to be made whatever surveys and measurements are necessary for the proper completion of said maps; one copy thereof, when completed, shall be filed with the township records, and such copies of the same furnished to the fire marshal as the said committee shall deem advisable.

Township committee shall cause map made and copy thereof to be filed.

5. *And be it enacted*, That the township committee of such township shall audit the accounts rendered them by the fire marshal, and pay out of any funds of said township on hand and not otherwise appropriated all just and reasonable bills presented for the work and expense of fighting and extinguishing such fires, together with all expenses incurred in making and procuring the aforesaid maps and surveys.

Township committee shall audit accounts.

Marshal may  
be removed for  
cause.

6. *And be it enacted*, That the township committee shall at any time have the power of removal of said fire marshal for incompetence or neglect of duty and the appointment of another person in his stead.

7. *And be it enacted*, That this act shall take effect immediately.

Approved May 14, 1894.

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## CHAPTER CXCIV.

An Act to authorize the cities of the second class of this state to fund their unfunded or floating indebtedness.

Governing  
body of may  
issue bonds for  
floating debt.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city of the second class of this state by and through its board of aldermen, common council or its board of finance in such cities where the latter board now has power to issue bonds, to issue bonds for the whole amount of the outstanding unfunded or floating indebtedness of the city or such part thereof as they from time to time shall prescribe, and such indebtedness shall be and include all the temporary outstanding notes, scrip and other indebtedness other than bonds, which shall be outstanding and unpaid at the time of the issuing of such bonds; that said bonds shall be made payable as follows: ten per centum of each issue five years from the date thereof and ten per centum each successive year thereafter, each such payment to be provided for in the annual tax levy such payments are due and shall bear interest at a rate not exceeding five per centum per annum and be issued in such sums and of such denomination as the board of aldermen, common council or board of finance shall by ordinance determine; all of such bonds shall be signed by the mayor, countersigned by the comptroller, attested by the city clerk and have the corporate seal of the city affixed and shall have coupons attached for every half year's interest until due, which coupons shall be numbered

Conditions of  
bonds.

to correspond with the bond to which they shall be respectively attached, and a register of such numbers, the date of issuing and the time of payment shall be made by the comptroller or other officer directed by said board, in a book to be provided for that purpose; *provided, however,* that no bonds shall be issued under this act to an amount which, with the other outstanding bonds of any such city, shall exceed the amount of ten per centum of the gross valuation of taxable property of any such city for the present fiscal year, nor shall any bonds be issued pursuant to this act unless the same are issued within one year after the passage hereof. Proviso.

2. *And be it enacted,* That such bonds shall be sold for not less than par and that the proceeds thereof shall be used to take up and pay off the said unfunded or floating indebtedness. Conditions of sale, &c. of bonds.

3. *And be it enacted,* That all acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved May 14, 1894.

## CHAPTER CXCVI.

A Supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

Conveyance by any corporation shall not be invalidated by the absconding, &c. of any member of board of directors.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any corporation organized under the laws of this state shall have heretofore executed or attempted to execute, or may hereafter execute or attempt to execute, any deed, mortgage or other conveyance or agreement requiring the action of the board of directors of such corporations to give validity thereto, such deed, mortgage or other conveyance so as aforesaid executed or attempted to be executed, or hereafter to be executed or attempted to be executed, shall not be unlawful, invalid or inefficacious for any purpose because one or more of the directors of any such corporation shall have absconded or shall abscond, or whose whereabouts have or shall not have been or shall not be known at the time of the meeting of the directors of such corporation for the purpose of the consideration of the execution of any such instrument as aforesaid; *provided, however*, that any share or shares of stock of such director shall, at the time of the meeting aforesaid, stand in the name of such director on the books of such corporation, even though such director may have made or shall make an assignment for the benefit of his creditors, or may have or shall in any way assign or hypothecate his stock in such corporation; *and provided, further*, that a majority of the directors of any such company shall have been or shall be present and participating in such meeting aforesaid; and this act shall be so construed as to excuse want of notice to any such director so absconding, or whose whereabouts shall have been or may be unknown, of the time place and object of any such aforesaid meeting.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 14, 1894.

## CHAPTER CXCVII.

An Act to provide for the election of members of the general assembly for each county of this state by the vote of the legal voters of said counties respectively.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the member or members of the general assembly of this state to which any county is or may be entitled by law shall all be voted for by the legal voters of the counties respectively, and the person or persons having the highest number of votes cast for him or them in any county for such office, wherever therein said votes shall be cast, shall be elected such member or members.

Assemblymen shall be elected by majority of all votes cast in the county.

2. *And be it enacted*, That this act shall take effect immediately.

Passed May 15, 1894.

## CHAPTER CXCVIII.

An Act to repeal an act entitled "A supplement to an act entitled 'An act to re-apportion the several assembly districts of the State of New Jersey,' approved April fourteenth, one thousand eight hundred and ninety-one," which said supplement was approved March twenty-third, one thousand eight hundred and ninety-two.

Act repealed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A supplement to an act entitled 'An act to re apportion the several assembly districts of the state of New Jersey,' approved April fourteenth, one thousand eight hundred and ninety-one, which said supplement was approved March twenty-third, one thousand eight hundred and ninety-two, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed May 15, 1894.



## CHAPTER CXCIX.

An Act to repeal an act entitled "A supplement to an act entitled 'An act to re-apportion the several assembly districts of the state of New Jersey,' approved April fourteenth, one thousand eight hundred and ninety-one," which said supplement was approved March seventh, one thousand eight hundred and ninety-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A supplement to an act entitled 'An act to re-apportion the several assembly districts of the state of New Jersey,' approved April fourteenth, one thousand eight hundred and ninety-one," which said supplement was approved March seventh, one thousand eight hundred and ninety-two, be and the same is hereby repealed. Act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed May 15, 1894.

## CHAPTER CC.

An Act to repeal an act entitled "An act to re-apportion the several assembly districts of the State of New Jersey," approved April fourteenth, one thousand eight hundred and ninety-one.

Act repealed. 1. BE IT ENACTED *by the Senate and General Assembly of the the State of New Jersey*, That the act entitled "An act to re-apportion the several assembly districts of the state of New Jersey," approved April fourteenth, one thousand eight hundred and ninety-one, be and the same is hereby repealed.

15. *And be it enacted*, That this act shall take effect immediately.

Passed May 15, 1894.

## CHAPTER CCI.

An Act to repeal an act entitled "A further supplement to an act entitled 'An act to re-apportion the several assembly districts of the state of New Jersey,' approved April fourteenth, one thousand eight hundred and ninety-one," which said further supplement was approved March twenty-fourth, one thousand eight hundred and ninety-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further supplement to an act entitled 'An act to re-apportion the several assembly districts of the state of New Jersey,' approved April fourteenth, one thousand eight hundred and ninety-one," which said further supplement was approved March twenty-fourth, one thousand eight hundred and ninety-two, be and the same is hereby repealed. Act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed May 15, 1894.

## CHAPTER CCII.

An Act concerning cities in this state, and regulating official searches of municipal records of such cities respecting municipal liens on real estate situate within the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state wherein the records of the lien of taxes and assessments and sales for the same are kept in one department and under the custody of a single officer of said city all searches for taxes and assessments and sales for the same on real estate within such city shall be furnished, on application of any person interested therein, by the officer of such city having the custody of the records in which the same are recorded, and all such searches shall be deemed and taken to be the declaration of such city, and shall be binding and conclusive against such city, and liens not shown upon any such search shall not be enforceable against the property on which such search is made; *provided*, that in every such case the person who shall require such search shall indicate distinctly, in writing, the property on which such search for liens for taxes and assessments is desired, and shall pay into the treasury of such city, for the use thereof, the sum of three dollars at the time such application is made.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

Searches shall  
be furnished  
on application.

Shall be binding and conclusive.

Proviso.

Repealer.

## CHAPTER CCIII.

**An Act to prohibit the riparian commissioners from granting any special oyster rights or privileges in Delaware bay.**

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That the riparian commissioners shall not have the right or power, in the name of the state or otherwise, by deed, grant, or lease, to give, grant or convey to any person or corporation the exclusive right or privilege to plant or take oysters from any part of Delaware bay.

2. *And be it enacted,* That this act shall be a public act and take effect immediately.

Approved May 15, 1894.

## CHAPTER CCIV.

A Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Persons, companies and corporations forbidden to transmit communications relative to lotteries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person, company or corporation that shall knowingly bring or transmit by letter or communication of any kind, telephonic, telegraphic or in any other way, whether written or expressed by letters, numbers, characters or by cipher, the drawing or list of numbers drawn or purporting to be drawn of any lottery or drawing to any place within this state, or that shall knowingly receive from any person by letter, telephone or telegraph such list of numbers or drawing of any such lottery shall be guilty of a felony, and shall upon conviction therefor be imprisoned at hard labor in the state's prison for not less than two nor more than five years; and every express, telephone, telegraph or other company or corporation engaged in the business of carrying or transmitting packages, letters or communications within this state that shall be convicted of such offense shall pay a fine of five thousand dollars for each offense, one-half to be paid into the treasury of the state and one-half to the person or persons who shall furnish the information upon which such conviction shall be obtained.

Penalty.

Messenger, clerk, or other employee liable.

2. *And be it enacted*, That any person who shall knowingly be engaged as messenger, clerk or copyist or in any other capacity in or about any office or room or building where lottery slips, or copies of numbers or lists of drawings of any lottery drawn or alleged to be drawn anywhere without this state shall be kept or used in connection with the business of lottery policy, so called, shall upon conviction therefor be adjudged guilty of a felony and shall be imprisoned at hard labor in the state's prison for not less than two nor more than five years, in the discretion of the court.

Penalty.

3. *And be it enacted*, That any person or persons who

shall be the owner or owners, or any agent, or agents of the owner or owners of any building where any part of the business of lottery or lottery policy, so-called, shall be carried on, who shall knowingly permit the same to be so used after the passage of this act, shall upon conviction therefor be fined one thousand dollars for each such offense, one-half of said fine to be paid over, when collected, to the person or persons giving the information upon which such conviction shall be obtained and the balance into the treasury of the county where such conviction is obtained ; such fine to stand as a lien upon such building or buildings until paid.

Liability of owners or agents of buildings used for lottery or lottery policy business.

4. *And be it enacted*, That any person who shall knowingly have in his possession any paper, document, slip or memorandum that shall pertain in any way to the business of lottery policy shall upon conviction therefor be adjudged guilty of a felony and shall be imprisoned at hard labor in the state's prison for not less than one nor more than five years, in the discretion of the court.

Liability of persons having in possession lottery or policy paper, slip, &c.

5. *And be it enacted*, That if any person shall advertise either directly or by indirect, covert and suggestive language, any lottery company or the place and manner at and in which the tickets, slips or advertisements of any lottery company can or may be procured, or shall bring into this state or print or distribute herein any such advertisements, such person shall be deemed guilty of a misdemeanor and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment at hard labor not exceeding one year, or both.

Liability of persons directly or indirectly advertising same.

6. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCV.

A Supplement to an act entitled "An act to authorize persons to change their names," approved February twenty-fourth, one thousand eight hundred and seventy-six.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be amended so as to read as follows:

Application  
may be made to  
common pleas  
court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person residing in any county in this state may apply to the circuit court or the inferior court of common pleas of such county for an order to authorize such applicant to assume another name; if said applicant be a minor he shall apply by guardian or next friend; such application shall be by petition, which shall set forth the grounds of the application and shall be verified by the affidavit of the applicant annexed thereto or indorsed thereon, and notice of such application shall be published at least once in each week for four weeks successively next preceding the time of such application, in some newspaper of said county.

Petition shall  
set forth, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.



## CHAPTER CCVL

An Act concerning nurses, attendants and other employes in any charitable or penal institution of any township, county or other municipality in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, no person shall be appointed as nurse, attendant or other employe in any charitable or penal institution of any township, county or other municipality in this state until he or she shall have served therein for the space of three months immediately prior to such appointment, and shall have secured from the superintendent of any such institution a certificate of the honesty, capacity and adaptability of such nurse, attendant or other employe. Qualifications for appointment.

2. *And be it enacted*, That no appointment of any nurse, attendant or other employe shall be made hereafter upon the grounds of political partisanship. Appointments on partisan grounds forbidden.

3. *And be it enacted*, That all appointments made in violation of this act shall be absolutely void, and the appointees shall not be entitled to any salary or other remuneration. Such appointees not entitled to remuneration.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCVII.

A Further Supplement to an act entitled "An act relating to sales of land under a public statute or by virtue of any judicial proceeding," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Proceedings  
when dower  
cannot be as-  
signed or set  
off without  
prejudice.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any commissioners who may have been or may hereafter be appointed by an orphans' court of any county in this state, to assign, admeasure and set off any dower in any lands or real estate lying or being in such county, shall be of opinion that the tract or tracts of land or real estate in question are so circumstanced that the said dower cannot be assigned, admeasured and set off without great prejudice to the owners of said lands, then and in such case the same proceedings may be had in regard to their report and the sale of such lands, and the confirmation of such sale, as are now had and are lawful where commissioners are appointed to divide or sell the real estate of any coparceners, joint tenants or tenants in common in any county in this state, and that the said orphans' court may order the said lands sold free from such dower, making compensation for the value of such estate.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCVIII.

A Further Supplement to the act entitled "An act to provide for the regulation and incorporation of insurance companies" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of N. w Jersey*, That the section of an act approved April thirtieth, one thousand eight hundred and ninety-four, and entitled "A further supplement to the act entitled 'An act to provide for the regulation and incorporation of insurance companies' [Revision], approved April ninth, one thousand eight hundred and seventy-five," which second section reads as follows :

Section  
amended.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately," is hereby amended so as to read as follows :

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, except that the provisions of this act shall not repeal, alter, abrogate or interfere with any of the provisions of an act of the legislature of this state entitled "A further supplement to an act entitled 'An act for the incorporation of safe deposit and trust companies,'" approved April twentieth, one thousand eight hundred and eighty-five, which further supplement was approved April twenty-sixth, one thousand eight hundred and ninety-four.

Repealer shall  
not apply to  
sup. to act in-  
corporating  
safe deposit  
and trust com-  
panies.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCIX.

A Further Supplement to an act entitled "An act for the appointment of commissioners for the better protection of the fishing interests of the state of New Jersey," approved March seventeenth, one thousand eight hundred and seventy.

- Governor may appoint four commissioners** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the governor of this state, with the advice and consent of the senate, four competent persons to act as commissioners of fisheries, who shall hold their office for five years and until their successors are duly appointed and qualified, and who shall be invested with all the duties and powers now imposed upon the commissioners of fisheries of this state; and all vacancies occurring by death, resignation or otherwise, shall be filled in the same manner and for the unexpired term of the commissioner whose office may become vacant; *provided*, that no appointment shall be made by reason of which more than two of the said commissioners shall be of the same political party.
- Vacancies shall be filled for unexpired term.**
- Proviso.**
- Duties of commissioners.** 2. *And be it enacted*, That it shall be the duty of said commissioners, on view or information, to enforce the fishing and game laws within this state by arresting and prosecuting the offender or offenders; they shall have supervision of the fish wardens and shall have power to investigate any and all complaints made to the said commissioners, and said commissioners shall have the right at all times, and they are hereby authorized to visit any dam, weir, fish basket, net or other illegal apparatus for taking fish, for the purpose of removing the same; the said commissioners may, in the discharge of their duties, call in the aid of any constable or sheriff or other peace officer when deemed necessary; and any such officer neglecting or refusing to aid when thus required shall forfeit twenty-five dollars, to be recovered by action of debt; they shall also have power of summary ar-

rest in cases of flagrant violations of the fishing and game laws of this state.

3. *And be it enacted*, That the said commissioners shall appoint and commission, over their hands and seals, not more than two fish wardens for each and every county of this state, whose duties and powers in their respective counties shall be those conferred upon the commissioners by this act; they shall receive compensation at the rate of three dollars per diem when actually engaged in the discharge of their duties, which shall be paid by the treasurer of the state upon a verified statement of said fish warden, approved by the said commissioners. Commissioners may appoint wardens.

4. *And be it enacted*, That the said commissioners may, upon the request, in writing, of any ten freeholders, residents of any one county, or of the owner of any fishery, appoint one or more "deputy fish and game wardens," who shall have the same powers and the same duties within the counties for which they are appointed respectively, as the said fish and game commissioners, except that they shall receive no salary from the state, nor shall there be made to them any allowance whatsoever for expenses incurred; they shall hold office at the pleasure of the said commissioners, and they shall make annually, on or about the first day of November in each and every year, a report to said commissioners. Deputies may be appointed upon request, &c.

5. *And be it enacted*, That the act entitled "An act regulating the appointment of the commissioners of fisheries of the state of New Jersey," approved April eighteenth, one thousand eight hundred and eighty-nine, and also an act entitled "A supplement to an act entitled 'An act for the appointment of commissioners for the better protection of the fishing interests of the state of New Jersey,' approved March seventeenth, one thousand eight hundred and seventy," which supplement was approved March eighth, one thousand eight hundred and ninety-two, be and the same are hereby repealed and the terms of office of the present fish and game commissioners of this state, and of all fish wardens in the several counties of this state shall cease and determine upon the approval or passage of this act. Act repealed.

6. *And be it enacted*, That the term of office of any person or persons appointment under said act to which this is a supplement, or under any of the supplements thereto, be and the same is hereby terminated.

Repealer.

7. *And be it enacted*, That all acts and parts of acts, general, public, local, special or otherwise, inconsistent herewith or repugnant hereto, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCX.

An Act to tax intestates' estates, gifts, legacies, devises and collateral inheritance in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act all property which shall pass by will or by the intestate laws of this state from any person who may die seized or possessed of the same while being a resident of the state, and all property which shall be within this state, and any part of such property, and any interest therein or income therefrom, which shall be transferred by inheritance, distribution, bequest, devise, deed, grant, sale or gift aforesaid, made or intended to take effect in possession or enjoyment after the death of the intestate, testator, grantor or bargainor, to any person or persons, or to a body politic or corporate, excepting churches, hospitals and orphan asylums, public libraries, bible and tract societies, and all religious, benevolent and charitable institutions and organizations, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to such property, or to the income thereof, other than to or for the use of the father, mother, husband, wife, children, brother or sister, or lineal descendants born in lawful wedlock, or the wife or widow of a son, or the husband of a daughter, shall be subject to a tax of five dollars on every hundred dollars of the clear market value of such property, to be paid to the treasurer of the state of New Jersey for the use of the state, and all administrators, executors and trustees shall be liable for any and all such taxes until the same shall

Requests to religious, benevolent and charitable organizations excepted.

Father, mother and other relatives excepted.

*Amendments  
1898 P.L. 106  
act of April 17, 1899 annulling  
Sec 11.*

have been paid as hereinafter directed : *provided*, that an estate which may be valued at a less sum than five hundred dollars shall not be subject to said duty or tax.

2. *And be it enacted*, That when any person shall bequeath or devise, convey, grant, sell or give as aforesaid any property, or interest therein, or income therefrom, to a father, mother, husband, wife, children, brother or sister, the widow of a son, or a lineal descendant, during life or for a term of years, and the remainder to a collateral heir of the decedent, or to a stranger in blood, or to a body politic or corporate, the property so passing shall be appraised immediately after the death of said testator or grantor, as the case may be, at what shall then be the fair market value thereof in the manner hereinafter provided, and after deducting therefrom the value of said life estate, or term of years, the tax prescribed by this act on the remainder shall be immediately due and payable to the treasurer of the state of New Jersey, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid ; *provided*, that the person or persons or body politic or corporate beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, or, and in that case, such person or persons, or body politic or corporate, shall give a bond to the state of New Jersey in a penalty three times the amount of the tax arising upon personal estate, with such sureties as the chancellor may approve, conditioned for the payment of said tax and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the clerk in chancery ; *provided, further*, that such person shall make a full verified return of such property to the chancellor of the state and file the same in the office of the clerk in chancery within one year from the death of the decedent, and within that period enter into such security and renew the same every five years.

Property devised to certain relative for specified period and remainder to collateral heir, or stranger, &c. to be immediately appraised.

Tax on to be immediately due and payable

Proviso.

Proviso.

3. *And be it enacted*, That whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of their commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said

Excess of residuary legatees shall be liable to tax.

bequest, devises or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to said tax, and the chancellor or the orphan's court having jurisdiction in the case shall fix such compensation.

All taxes due at death of testator.

4. *And be it enacted*, That all taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the testator, grantor or intestate, as the case may be, and if the same are paid within one year, interest at the rate of six per centum per annum shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; *provided*, that if said tax is paid within nine months from the accruing thereof, interest shall not be charged or collected thereon, but a discount of five per centum shall be allowed and deducted from said tax; and in all cases where the executors, administrators or trustees do not pay such tax within one year from the death of the decedent, they shall be required to give a bond, in the form and to the effect prescribed in sections two of this act, for the payment of said tax, together with interest.

Proviso.

When penalty shall not be charged.

5. *And be it enacted*, That the penalty of ten per centum per annum imposed by section four hereof for the non payment of said tax shall not be charged, where in cases by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay, the estate of any decedent, or a part thereof, cannot be settled at the end of a year from the death of the decedent, and in such cases only six per centum per annum shall be charged upon the said tax from the expiration of such year until the cause of such delay is removed.

Administrator, executor, &c., shall deduct or collect tax.

6. *And be it enacted*, That any administrator, executor or trustee having in charge or trust any legacy or property for distribution, subject to said tax, shall deduct the tax therefrom, or if the legacy or property be not money, he shall collect the tax thereon upon the appraised value thereof from the legatee or person entitled to such property, and he shall not deliver or be compelled to deliver any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the heir or devisee, before paying the same, shall



deduct said tax therefrom and pay the same to the executor, administrator or trustee, and the same shall remain a charge on such real estate until paid, and the payment thereof shall be enforced by the executor, administrator or trustee in the same manner that the payment of such legacy might be enforced; if, however, such legacy be given in money to any person for a limited period, he shall retain the tax upon the whole amount, but if it be not in money, he shall make application to the court having jurisdiction of his accounts to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

Tax shall remain a charge on real estate until paid.

7. *And be it enacted*, That all executors, administrators and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law to do for the payment of debts of their testators and intestates, and the amount of said tax shall be paid as hereinafter directed.

Executors, &c. shall sell property to pay tax.

8. *And be it enacted*, That any sum of money retained by any executor, administrator or trustee, or paid into his hands for any tax or any property, shall be paid by him, within thirty days thereafter, to the treasurer of the state of New Jersey; and the said treasurer shall deliver a receipt of such payment to the comptroller of the state, whose duty it shall be to countersign the same and return it to the executor, administrator or trustee, whereupon it shall be a proper voucher in the settlement of his accounts, but an executor, administrator or trustee shall not be entitled to credit in his accounts, nor to be discharged from liability for such tax unless he shall produce a receipt so countersigned by the comptroller, or a copy thereof certified by him.

Shall pay tax to state treasurer.

9. *And be it enacted*, That whenever any of the real estate of which any decedent may die seized, shall pass to any body politic or corporate, or to any persons other than the father, mother, husband, wife, lawful issue, brother or sister, wife or widow of a son, or husband of a daughter, or in trust for them, or some of them, it shall be the duty of the executors, administrators or trustees of such decedent to give information thereof in writing to the comptroller of the state within six months after they undertake the exe-

Executors, &c., shall notify state comptroller when property passes to corporation or other than certain relative.

cution of their respective duties, or if the fact be not known to them within that period, then within one month after the same shall have come to their knowledge.

When tax is refunded proportion shall be repaid to legatee, &c.

10. *And be it enacted*, That whenever any debts shall be proven against the estate of a decedent, after the payment of legacies or distribution of property from which the said tax has been deducted, or upon which it has been paid, and a refund is made by the legatee, devisee, heir or next of kin, a proportion of the tax so paid shall be repaid to him by the executor, administrator or trustee, if the said tax has not been paid to the state treasurer, or by them if it has been so paid.

When foreign executors, &c. shall transfer stocks or bonds tax shall be paid on transfer.

Proviso.

11. *And be it enacted*, That whenever any foreign executor or administrator shall assign or transfer any stocks or loans in this state, standing in the name of a decedent, or in trust for a decedent, which shall be liable to the said tax, such tax shall be paid to the state treasurer on the transfer thereof, otherwise the corporation permitting such transfer shall become liable to pay such tax; *provided*, that such corporation has knowledge before such transfer that said stocks or loans are liable to said tax.

Tax paid erroneously shall be refunded.

Proviso.

12. *And be it enacted*, That when any amount of said tax shall have been paid erroneously to the state treasurer, it shall be lawful for the comptroller of the treasury, on satisfactory proof rendered to him of such erroneous payments, to draw his warrant on the state treasurer, in favor of the executor, administrator, person or persons who have paid any such tax in error, or who may be lawfully entitled to receive the same, for the amount of such tax so paid in error; *provided*, that all such applications for the repayment of such tax shall be made within two years from the date of such payment.

Surrogate shall appoint appraiser.

Proceedings of appraiser.

13. *And be it enacted*, That in order to fix the value of property of persons whose estates shall be subject to the payment of said tax, the surrogate or register of the prerogative court, on the application of any interested party, or upon his own motion, shall appoint some competent person as appraiser as often as, and whenever occasion may require, whose duty it shall be forthwith to give such notice by mail and to such persons as the surrogate or register of the prerogative court may by order direct, of the time and place he will appraise such property, and at such time and place to appraise the same at its fair market value, and make a

report thereof in writing to said surrogate or register of the prerogative court, together with such other facts in relation thereto as said surrogate or register of the prerogative court may by order require, to be filed in the office of such surrogate or register of the prerogative court, and from this report the said surrogate or register of the prerogative court shall forthwith assess and fix the then cash value of all estates, annuities and life estates, or term of years growing out of said estates, and the tax to which the same is liable, and shall immediately give notice thereof by mail to the state comptroller and to all parties known to be interested therein; any person or persons dissatisfied with said appraisalment or assessment may appeal therefrom to the ordinary or orphans' court of the proper county, within sixty days after the making and filing of such assessment, on paying or giving security, approved by the ordinary or orphans' court, to pay all costs, together with whatever tax shall be fixed by said court; the said appraiser shall be paid by the state treasurer on the warrant of the comptroller, on the certificate of the ordinary or surrogate, duly filed with the comptroller, at the rate of three dollars per day for every day actually and necessarily employed in said appraisalment, together with his actual and necessary traveling expenses.

Shall notify  
comptroller  
and all inter-  
ested parties.

Dissatisfied  
persons may  
appeal.

14. *And be it enacted*, That any appraiser appointed by virtue of this act who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin or heir of any decedent, or from any other person liable to pay said tax or any portion thereof, shall be guilty of a misdemeanor, and upon conviction in any court having jurisdiction of misdemeanors he shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars and imprisoned not exceeding ninety days, and in addition thereto the register of the prerogative court or surrogate shall dismiss him from such service.

Taking fees or  
reward of  
executor, &c.,  
by appraiser  
a misdemea-  
nor.

Penalty.

15. *And be it enacted*, That the ordinary or the orphans' court in the county in which the real property is situate of a decedent who was not a resident of the state, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this act.

Ordinary or  
orphans' court  
shall have  
jurisdiction  
relative to tax.

16. *And be it enacted*, That if it shall appear to the reg-

Delinquents  
shall be cited  
to show cause.

ister of the prerogative court or surrogate that any tax accruing under this act has not been paid according to law, such officer shall issue a citation citing the persons interested in the property liable to the tax to appear before the ordinary or orphans' court on a day certain, not more than three months' after the date of such citation, and show cause why said tax should not be paid; the service of such citation and the time, manner and proof thereof, and fees therefor, and the hearing and determination thereon, and the enforcement of the determination or decree shall conform to the provisions of the law for the service of citations now issued by the ordinary or orphans' courts, and the hearing and determination thereon and its enforcement; and the register of the prerogative court or surrogate shall, upon the request of any prosecutor of the pleas or state comptroller, furnish one or more transcripts of such decree, and the same may be by them docketed and filed by the county clerk of any county in the state, and the same shall have the same effect as a lien by judgment

State comp-  
troller shall  
notify prosecu-  
tor of pleas of  
failure  
to pay tax.

Prosecution  
shall prosecute  
for collection.

17. *And be it enacted*, That whenever the state comptroller shall have reason to believe that any tax is due and unpaid under this act, after the refusal or neglect of the persons interested in the property liable to said tax to pay the same, he shall notify the prosecutor of the pleas of the proper county, in writing, of such failure to pay such tax and the prosecutor of the pleas so notified, if he have probable cause to believe a tax is due and unpaid, shall prosecute the proceeding before the ordinary of the orphans' court in the proper county, as provided in section sixteen of this act, for the enforcement and collection of such tax; all costs awarded by such decree to such prosecutor, that may be collected after the collection and payment of the tax to the state treasurer, may be retained by the prosecutor of the pleas for his own use.

Certain officers  
shall make  
quarterly  
statement to  
comptroller.

18. *And be it enacted*, That the register of the prerogative court, the surrogate and the register of deeds or county clerk of each county shall every three months make a statement in writing, to the state comptroller, of the property from which or the party from whom he has reason to believe a tax under this act has become due since his last report

19. *And be it enacted*, That whenever the surrogate of any county, or the register of the prerogative court shall

certify to the state comptroller that there was probable cause for issuing a citation and taking the proceedings specified in section sixteen of this act, the state treasurer shall pay, upon warrant of the comptroller, to the proper officials all expenses incurred for the issuing and services of the citation and all other lawful disbursements that have not otherwise been paid.

State treasurer shall pay expense of citation.

20. *And be it enacted*, That the comptroller of the state shall furnish to the register of the prerogative court and to each surrogate a book in which he shall enter, or cause to be entered, the returns made by appraisers, the cash value of annuities, life estates and term of years and other property fixed by him and the tax assessed thereon, and the amount of any receipts for payments thereon filed with him, which books shall be kept in the office of the register of the prerogative court of the surrogate as a public record, and shall furnish all other forms and blanks necessary for use in the proper enforcement of this law.

Comptroller shall furnish record books, blank forms, &c.

21. *And be it enacted*, That in addition to the fees above mentioned the fees of the surrogates for each county, for the duties heretofore or hereafter to be performed by them in each estate, under this act, or any act heretofore passed, shall be paid by the state treasurer upon the warrant of the comptroller, and shall not exceed the following rates: on all sums paid to the state treasurer, not exceed three thousand dollars, five per centum; if over three thousand dollars, three per centum on such excess.

Surrogate's fees.

22. *And be it enacted*, That any person, or body politic or corporate, shall be entitled to a receipt from the state treasurer, countersigned by the state comptroller, for the payment of any tax paid under this act, which receipt shall designate on what real property, if any, of which any decedent may have died seized, said tax has been paid, and by whom paid, and whether or not it is in full of said tax, and said receipt may be recorded in the clerk's office of the county in which said property is situate, in a book to be kept by said clerk for such purpose, which shall be labeled "collateral tax."

State treasurer shall furnish receipt for payments, which may be recorded.

23. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed, except so far as herein re-enacted; but nothing in this repealer shall affect or impair the lien of any taxes heretofore assessed, or due and payable, or any remedies for the col-

Repealer.

Proviso.

lection of the same, or to surrender any remedies, powers, rights or privileges acquired by the state under any act heretofore passed, or to relieve any person or corporation from any penalty imposed by said acts; *provided, however*, that the exception in the first section hereof in favor of churches, hospitals, orphan asylums, public libraries, bible and tract societies, and all religious, benevolent and charitable institutions and organizations, shall be construed and held to apply to any and all bequests, devises and legacies heretofore made, in trust or otherwise, to or in favor of such institutions, or any of them, in all cases where said tax shall not have been paid prior to the passage of this act.

24. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXI.

A Further Supplement to an act entitled "An act regulating fences," passed January twenty third, one thousand seven hundred and ninety nine.

Barbed wire  
fences unlaw-  
ful unless con-  
sented to.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That no fence constructed of barbed wire, or wire on which is strung or fastened barbs or points, shall be deemed a lawful fence between the lands of adjoining land-owners, unless the erection thereof shall be consented to by such adjoining owners, and that without such consent, all such fences are hereby prohibited.

Owner liable  
for damages.

2. *And be it enacted*, That every person who shall, without the consent of the adjoining land-owner, erect any such fence as is prohibited in the foregoing section, as a line fence, or boundary fence between his lands and those of adjoining proprietors, shall be liable for any and all damages which may be caused thereby to the horses, cattle or other animals belonging to such non-consenting adjoining proprietor.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXII.

An Act in relation to the employment of labor by corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no corporation or employers of labor doing business in the state shall, directly or indirectly or through any manager, agent, superintendent, or employee thereof, make, as a condition of employment of labor in any branch of its service, that any applicant or applicants for such employment shall, either individually or collectively, be required to sign any paper, document, or writing of any description, by which an obligation is made or implied of renouncing existing membership in any organization, society or brotherhood, or by which a promise is given of not joining such organizations at any future time. Unlawful for corporation to require employees to renounce membership in society or brotherhood,
2. *And be it enacted*, That no corporation or employers of labor shall in like manner require directly or indirectly or through any of its managers, superintendents, agents or employees, that any individual or individuals shall, either individually or collectively, in any manner promise to renounce existing membership in any lodge, brotherhood, or labor organization of any kind, or promise to refrain from joining any such lodge, brotherhood, or organization at any future time. Or to refrain from joining such organization.
3. *And be it enacted*, That any violation of the above act shall be punishable with a fine not to exceed five hundred dollars or three months' imprisonment, or both, as the court may direct. Penalty.

Approved May 15, 1894.

## CHAPTER CCXIII.

## An Act to incorporate farmers' mutual aid and protective societies.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of persons engaged in agricultural pursuits, not less than ten in number, residing in this state, to form an association by whatever name they shall assume, for the purposes of this act.

Object of association.

2. *And be it enacted*, That the object of such association shall be for the mutual aid and protection of farmers in marketing their crops, dairy and other farm products, and the diffusion of information concerning the same.

Form of organization.

3. *And be it enacted*, That such association shall be formed in the following manner : a certificate shall be made and signed by not less than ten persons, stating their respective residences, forming such association, which certificate shall set forth :

I. The name assumed to designate such association and to be used in its business and dealings ;

II. The place where such association shall be located, and the object for which it shall be formed ;

III. Such certificate shall be proved or acknowledged by the parties signing the same, and recorded in the office of the clerk of the county where the association shall be located.

Powers of corporation.

4. *And be it enacted*, That upon such certificate being filed, the said association shall be a corporation in fact and in law, and shall have power :

I. To have succession by its incorporated name for such time as said association shall continue in existence ;

II. To make and use a common seal or alter the same at pleasure ;

III. To sue and be sued, complain and defend in any court of law and equity ;

IV. To hold, purchase and convey such real and personal estate as the purposes of the corporation shall require, and



to mortgage any real or personal estate, and to receive and hold real and personal estate which shall come by devise or bequest; *provided*, that the funds and property of said corporation shall be used for the purposes of its organization and for no other; Proviso.

V. To make and change by-laws not inconsistent with the constitution or laws of this state, to fix the number and qualifications of its directors for the management of its business, and the regulation and the government of its affairs, which number of directors may be altered by vote of the corporation;

VI. To wind up and dissolve itself, or to be wound up and dissolved, as shall be determined by a vote of the majority of its members voting, after four weeks' notice served personally or published for two weeks in a newspaper, of such intended dissolution.

5. *And be it enacted*, That the persons signing the certificate of organization shall constitute the first directors First directors. for the association.

6. *And be it enacted*, That such directors may elect a chairman and secretary, and such directors shall be vested with such powers and shall perform such duties as the by-laws of the association when fully organized shall prescribe. Powers and duties of.

7. *And be it enacted*, That the said directors shall proceed to organize the association of which they are directors by the addition of persons whose duties and privileges shall be prescribed by the by-laws of said corporation, by which all members, including the directors, shall be governed.

8. *And be it enacted*, That the association shall meet at such times and places as shall be prescribed by its by-laws, within the city, town or place in which it is organized. Times and places of meeting.

9. *And be it enacted*, That the corporation may have any number of members, whose qualifications and duties shall be prescribed by the by-laws. Number of members.

10. *And be it enacted*, That the charter directors of the association to be formed shall hold their office until the first election prescribed by the by-laws of the association after incorporation, when a new set of directors may be elected, and thereafter directors shall be elected annually and shall hold office for one year or longer, as shall be regulated by the by-laws. Tenure of office of directors.

11. *And be it enacted*, That no one shall be a director but a member of the association in good standing, and the Qualifications of directors.

officers of the directors may be different from the officers of the association.

Officers.

12. *And be it enacted*, That an association organized under this act shall have a president, secretary and treasurer, and such other officers as the by-laws shall prescribe.

Majority of association shall govern.

13. *And be it enacted*, That the directors may advise with the association, but shall have no control over its action against the vote of the majority of the association, at any meeting properly called.

Secretary shall have custody of seal.

14. *And be it enacted*, That the common seal adopted by the association, to verify its acts, shall be in the custody of the secretary and be fixed by the direction of the association.

15. *And be it enacted*, That any association formed for the purpose of this act, now organized, may be organized under this law by complying with its provisions.

16. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXIV.

An Act to regulate and prevent the erection of frame or wooden buildings in cities of the first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of every incorporated city of the first class of this state to pass, alter and repeal ordinances regulating and prohibiting the construction of frame or wooden buildings in any such city, with power to impose penalties for violation of the provisions of any such ordinance, and also per diem penalties for failure to comply with the provisions of any such ordinance, and to fix penalties not exceeding one hundred dollars for every violation and penalties not exceeding fifty dollars for each day any violation shall continue.

Governing  
body may pass,  
alter, &c., ordi-  
nances regu-  
lating and  
prohibiting  
construction of

2. *And be it enacted*, That all acts and parts of acts inconsistent or conflicting with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXV.

A Further Supplement to an act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

- Township committee shall consist of.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That township committees of all townships in counties having one hundred thousand inhabitants or over by the last United States census shall consist of five persons; *provided, however*, that this act shall not apply to any township which is now, or hereafter may be divided into wards, and in which members of the township committee are elected by wards.
- Proviso.** 2. *And be it enacted*, That the occupants of said office shall serve out the term they were originally elected for, and subsequently those elected to make the requisite number shall by lot determine which shall hold office for the period that shall fix the time so that a successor may be elected at every annual election for the term of three years.
- Succession to be determined by lot.** 3. *And be it enacted*, That the acts and parts of acts which are inconsistent with this act be and they are hereby repealed.
- Repealer.** 4. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.
- Approved May 15, 1894.

## CHAPTER CCXVI.

An Act providing a fund in certain cities of the state for the care of the indigent sick.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of this state, having a population exceeding seventy-five thousand inhabitants by the last census, and which have no city hospital or hospitals, and there are two and no more charitable hospitals therein, the board of aldermen, common council or other board which fix the annual appropriations, shall include in such annual appropriations and raise by taxation a sum equal to one-fourth of one mill of the assessable property of such city for the preceding year, which sum shall be disbursed by said board of aldermen, common council, or other governing body for the care of the indigent sick of such city. Governing body may levy tax to provide for.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXVII.

A Supplement to an act entitled "An act for the incorporation of presbyteries in the state of New Jersey of the presbyterian church of the United States of America," approved March twenty-sixth, one thousand eight hundred and seventy-two.

Any presbytery may avail itself of provisions of act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any presbytery of the presbyterian church of the United States of America that is now or may hereafter be incorporated under or by virtue of the provisions of the act to which this is a supplement, which shall desire to avail itself of the provisions of any other act or acts relating to or providing for the incorporation of presbyteries in this state, may do so by a resolution of the board of trustees of such presbytery.

Proceedings for.

2. *And be it enacted*, That the president of such board of trustees shall make a certificate of such resolution and of the change or changes in organization or powers intended thereby to be accomplished, and of the act or acts of the provisions whereof it is intended to take advantage, which said certificate, under the hand of said president and sealed with the seal of said presbytery, shall be recorded in the office of the secretary of state of this state, for which he shall be entitled to receive the sum of one dollar, a copy of which said certificate, duly certified under the hand and official seal of said secretary of state, shall be received in evidence in any of the courts of this state.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXVIII.

A Supplement to an act entitled "An act for the formation and government of boroughs," approved April second, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of an act entitled "A supplement to an act entitled 'An act for the formation and government of boroughs,' approved April second, one thousand eight hundred and ninety-one," approved March seventh, one thousand eight hundred and ninety-three, be and the same are hereby extended to all boroughs organized under the act to which this act is a supplement. Provisions of act extended.

2. *And be it enacted*, That the mayor and council of any borough incorporated under the act to which this act is a supplement, in which a sewerage system for said borough has been heretofore constructed and paid for by the issue of improvement bonds of said borough, be and they are hereby authorized to appoint commissioners of assessment as provided for in said supplemental act; and said commissioners, when appointed and qualified, and the mayor and council and other officers of said borough, shall perform all the duties and possess all the rights and powers conferred on such officers by the provisions of said supplemental act so far as the same may be applicable. Mayor and council may appoint commissioners of assessment.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXIX.

An Act amendatory of an act entitled "An act amending an act entitled 'An act to incorporate trustees of religious societies,' approved April ninth, one thousand eight hundred and seventy-five," which amending act was approved March twenty-fourth, one thousand eight hundred and ninety-two.

Act amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act amending an act entitled 'An act to incorporate trustees of religious societies,' approved April ninth, one thousand eight hundred and seventy-five," which amending act was approved March twenty-fourth, one thousand eight hundred and ninety-two, and which reads as follows :

Congregation may remove trustees. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five, be and the same is hereby amended to be and read as follows :

And elect others in their stead. "4. *And be it enacted*, That for perpetuating a line of succession in the trustees of every religious society or congregation which has been duly incorporated, it shall and may be lawful for the persons composing such congregation to assemble at any time they may think proper, giving notice thereof as is by law directed for the first election of trustees, in order to elect any other trustee or trustees, in the place or stead of those or any of those before elected, in case they see cause for the removal of the said trustees ;

Proviso. *provided*, such removal shall not be in less than one year after his or their election into office ; and also to fill up the vacancy which may be occasioned by the expiration of the term of office of any such trustee or trustees, or by the death or resignation of any trustee, or by his moving out of the limits of the said society or congregation ; at any

Who may lawfully vote. meeting called for the purpose aforesaid, it shall be lawful



for any person to vote, being twenty-one years of age, male or female, who is a regular attendant upon the services of such society or congregation, and not elsewhere, and who contributes regularly to the support of such society or congregation, according to his or her engagements, whether as a pew-holder or by subscription; *provided*, that no person shall vote at any election of trustees as aforesaid who is not qualified to vote in accordance with any limitation, condition, restriction or trust contained in the deed for the church site or other real estate owned, held or occupied by such society or congregation," be and the same is hereby amended by adding thereto the following: *and provided, further*, that in elections for trustees of religious societies or congregations of the denomination known as Baptists, the persons entitled to vote shall be such as have heretofore by the rules and practice of said denomination been deemed qualified to vote, to wit, all members thereof in good, full and regular standing. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXX.

A Supplement to an act entitled "An act concerning executors and the administration of intestates' estates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Powers of ordinary conferred on surrogate. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the powers and duties conferred upon the ordinary under the act to which this is a supplement, relative to the grant of letters of administration on the estate of any person dying intestate within this state, and leaving no relatives justly entitled to the administration of his or her personal estate, may also be exercised and performed by the surrogate of the county in which the person so dying intestate resided at the time of his or her death.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXXI.

A Further Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if at any time there are less than sixty companies of infantry of the national guard of this state, the commander-in-chief may cause to be organized such additional company or companies in the county having a regimental organization of less than twelve companies; *provided*, such additional company or companies will not exceed in number the number of counties of this state who have failed to organize such companies.

When commander-in-chief may organize more companies.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXXII.

An Act with relation to the regulation of driving upon the public streets and avenues of townships in this state.

Township committee may provide ordinance to prevent reckless and immoderate driving.

Penalty for violation of.

Police may arrest without warrant.

Offender may have immediate hearing.

May have trial by jury.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township in this state to provide by ordinance for the prevention of reckless or immoderate driving along the public streets and avenues in any such township, and to prevent racing thereon, and to regulate the rate of speed which persons may travel upon such avenues, streets or highways, and to fix a penalty for the violation of any such ordinances, in such sum or amount as may be named therein, not to exceed the sum of fifty dollars for each offense, which penalty may be enforced and collected in a summary manner upon arrest and complaint of the violation of any such ordinance, and by the imposition of a fine for the amount of such penalty, upon conviction of such violation by the justice before whom such complaint is made.

2. *And be it enacted*, That it shall be lawful for the chief of police, or any officer of the police department of any such township, to arrest without warrant where the offense provided against by any such ordinance is committed within his view, and to take the offender so taken into custody before any justice of the peace within the said township, and such offender shall have lawful right to immediate hearing, if he shall so demand, upon such charge or complaint as may be made by such officer so making the arrest, or any other person, but it shall be lawful for the justice before whom such offender may be brought for the violation of such ordinance to hold the accused to bail for hearing to be had at an early date; that upon such hearing, if demand be made by the accused for a trial by jury, he shall be entitled to have such trial, and, in the event of conviction, the cost of such jury shall be added to the fine which may be imposed by the penalty under the ordinance violated.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXXIII.

An Act to amend an act entitled "An act providing for the appointment of county collectors in the several counties of this state," approved February the twenty first, one thousand eight hundred and ninety-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the above <sup>Section amended</sup> entitled act be and the same is hereby amended so as to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the annual stated meetings of the board of chosen freeholders of the several counties of this state, the said board shall appoint some fit person, being a freeholder and resident in such county, and not a member of such board, and not an ex-member of such board, who shall have resigned his office within three months next preceding the time of making of such appointment, to the office of county collector, who shall hold his office for a term of three years and until his successor shall be appointed and shall have given bond as required by law; *provided*, that the term of office of any person now holding the office of county collector of such county shall continue until the expiration of the time for which such person was elected or appointed and no longer. <sup>Collector shall be elected for three years.</sup>

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXXIV.

## An Act for the preservation and improvement of the state camp-ground at Sea Girt.

**Preamble.** WHEREAS, It appears from the message of the governor that measures should be taken for the care, maintenance and preservation of the valuable state camp ground at Sea Girt, and the erection of necessary and proper structures and buildings thereon, or the repair or alteration of those already erected thereon :

**Appropriation.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of ten thousand dollars be and the said amount is hereby appropriated for the care, maintenance and preservation of the state camp-ground at Sea Girt, and the erection thereon of proper and suitable buildings and structures, or the repair or alteration of those now situate on said camp ground ; said sum of ten thousand dollars to be paid by the treasurer of the state out of any funds in his hands not otherwise appropriated, on the warrant of the comptroller, upon the requisition of the quartermaster general, approved by the governor.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXXV.

An Act requiring, in counties wherein penitentiaries are located, the confinement of persons sentenced to over six and not exceeding eighteen months, in penitentiaries instead of state prison.

WHEREAS, The state prison is now and has for a number of <sup>Preamble.</sup> years been overcrowded, and the authorities have been unable to comply with the law in regard to separate confinement; *and whereas*, in view of the imperative necessity of erecting an intermediate prison of reformatory nature for the separation of the younger from the hardened criminals (a bill for which is now pending before the legislature), which, when completed in addition to the state prison, will afford ample facilities for all the requirements of the law; *and whereas*, in view of such fact, it is deemed inadvisable to expend any further sum for the enlargement of the state prison; therefore, to afford the state prison some present relief:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the passage of this act, in any county of this state wherein a penitentiary is located, every person sentenced to hard labor and imprisonment under the laws of the state, for any time over six and not exceeding eighteen months, shall be imprisoned in the penitentiary located wherein such conviction was had, instead of state prison, as now provided; *provided*, <sup>Proviso.</sup> the person so convicted shall not have served a term previously in the state prison; in such case the person so convicted may, in the discretion of the court, be imprisoned in the state prison or penitentiary.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXXVI.

An Act to re organize boards of health in cities of the first class in this state.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That where in any city of the first class in this state the members of the boards of health of such city are now or hereafter may be appointed by the mayor of such city, such board of health shall consist of ten legal voters of such city to be appointed by the mayor of such city within five days after the passage of this act, and on the second Monday of May in each second succeeding year hereafter, five of which said commissioners shall be selected and appointed from the political party which, at the last preceding election for mayor of said city, cast the largest number of votes for mayor, and five from the political party at said election casting the next largest number of votes; the commissioners so appointed shall serve for the term of two years and until their successors shall be appointed and qualified.

Board shall be non-partisan.

Shall serve for two years.

Present offices vacated.

Vacancies shall be filled for unexpired term only.

Terms of present officers and employes shall cease.

2. *And be it enacted*, That the members of the board of health in such cities appointed prior to the passage of this act shall continue in office until the appointment of their successors hereunder, at which time their respective offices shall become vacant, notwithstanding they may have been elected or appointed for a longer term.

3. *And be it enacted*, That any vacancy which shall happen in the office of member of the board of health in such city shall be filled by the mayor of said city for the unexpired term only, and that the member so appointed to fill such vacancy shall be selected by the mayor from the same party as the member for whose expiring term he is appointed.

4. *And be it enacted*, That the terms of office of all officers and employes appointed by boards of health in any such city shall cease on the first day of June, one thousand eight hundred and ninety-four, notwithstanding such officers or employes may have been appointed for a longer term, and that such officers and employes shall receive and be paid as



salary or compensation for services rendered up to said date, that part of the salary or compensation proportioned to the actual time served by them in said office or employment.

**5.** *And be it enacted,* That the boards of health provided for by this act shall perform all the duties and possess all the powers, and be subject to all the liabilities now or hereafter conferred upon boards of health in such cities by the laws of this state. Powers of under this act.

**6.** *And be it enacted,* That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved May 15, 1894.

## CHAPTER CCXXVII.

An Act to repeal section one of an act entitled "A supplement to an act entitled 'An act to establish a system of public instruction' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," approved April twenty-fourth, one thousand eight hundred and ninety-four.

**1.** *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That section one of the act entitled "A supplement to an act entitled 'An act to establish a system of public instruction' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," approved April twenty-fourth, one thousand eight hundred and ninety-four, be and the same is hereby repealed. Act repealed.

**2.** *And be it enacted,* That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXXVIII.

## An Act relative to corporations.

Corporation  
shall file copy  
of its charter

What copy  
shall set forth

Shall have  
agent and  
place of busi-  
ness in this  
state.

Authority to  
transact  
business may  
be revoked.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first day of July, one thousand eight hundred and ninety-four, no corporation not organized under the laws of this state (foreign corporation), other than banking, insurance and railroad corporations, shall transact business in this state until it shall have filed in the department of state a copy of its charter or certificate of organization, duly attested by its president or vice president and treasurer or secretary, under its corporate seal, and a statement, by the same officers, also under corporate seal, setting forth the total amount of capital stock it is authorized to issue and the amount actually issued, the character of business in which it is engaged and in which it proposes to engage within this state, a citizen or corporation of this state as its agent, upon whom legal process against such foreign corporation may be served; such citizen or corporation so designated shall have an office or place of business in this state which shall be held to be the principal place of business within this state of such foreign corporation; and the agency so designated shall continue in force until revoked in writing, and some other citizen or New Jersey corporation shall be substituted therefor; if the citizen so designated dies or removes his office, or such New Jersey corporation becomes disqualified, and such foreign corporation does not, within thirty days after such death, removal or disqualification, designate in like manner another citizen or New Jersey corporation upon whom process against it may be served within this state, the secretary of state shall revoke the authority of such corporation to do business within this state, and process against such corporation in actions upon any liability incurred within this state before such revocation may, after such death, removal or disqualification, and before any other designation shall have been made, be served upon the secretary of state; at the time of such service the plaintiff

shall pay to the secretary of state for the use of the state two dollars, to be included in the taxable costs and disbursements of such plaintiff, and the secretary of state shall forthwith mail a copy of such notice to such corporation or the address of any officer thereof, if known to him.

2. *And be it enacted*, That upon filing the papers hereinbefore designated, the secretary of state shall issue to the said foreign corporation a certificate that has complied with all the requirements of law to authorize it to transact business in this state, and that the business of such corporation to be carried on within this state is such as may be lawfully carried on by corporations incorporated under the laws of New Jersey for similar business; until such corporations so transacting business in this state shall have obtained said certificate of the secretary of state, it shall not maintain any action in this state upon any contract made by it in this state, but any lawful contract made prior to the first day of July, one thousand eight hundred and ninety-four, may be performed and enforced within this state subsequent to that date; for each certificate issued and paper filed by the secretary of state as herein provided for, he shall receive for the use of the state the sum of five dollars; *provided*, that all expenses incurred in carrying out the provisions of this act shall be paid by the secretary of state out of the fees so received.

When conditions have been complied with certificate may issue.

Fee for certificate.

Proviso.

3. *And be it enacted*, That when, by the laws of any other state or nation, any taxes, fines, penalties, licenses, fees or other obligations or requirements are imposed upon corporations of this state, doing business in such other state or nation, or upon their agents therein, so long as such laws continue in force, the same taxes, fines, penalties, licenses, fees, obligations and requirements of whatever kind shall be imposed upon all corporations of such other state or nation doing business within this state and upon their agents here; *provided*, that nothing herein shall be thought to repeal any duty, condition or requirement now imposed by law upon corporations of other states or nations transacting business in this state.

Foreign corporations shall pay same fees and liable to same fines and penalties as are imposed by them under authorities.

Proviso.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved May 15, 1894.

## CHAPTER CCXXIX.

An Act for the grading, curbing, flagging and paving of streets in cities of the third class.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cities of the third class it shall be lawful to make improvements of streets, and to pay for the same by general tax; and the council or other governing body of any city of the third class having authority to improve streets, shall decide by resolution or ordinance how any street improvement shall be made, and shall decide how each street shall be paved.

Street im-  
provements  
shall be paid  
for by general  
tax.

2. *And be it enacted*, That in each year after the passage of this act the council or other governing body at some convenient time during the fiscal year, shall fix the amount which said city will expend for street improvements during the next fiscal year, to be raised by general tax, and the said amount shall be placed in the tax levy of the next fiscal year, by the board having the right to fix the tax levy for said city, or it shall be lawful for said council or other governing body to issue bonds of said city, said bonds to be issued by the board having authority to issue bonds in said city in payment for street improvements.

Governing  
body shall fix  
amount to be  
expended.

May issue  
bonds for pay-  
ment of.

3. *And be it enacted*, That all bonds issued by any city of the third class for any and all street improvements shall have twenty years to run and bear interest at a rate not to exceed six per centum per annum; said interest to be paid semi-annually, and said bonds to be either registered or coupon and of such denomination as the council or other governing body shall by resolution direct; and that as soon as any bonds are issued under this act a sinking fund shall be started for their redemption; and in said cities of the third class, where no sinking fund commission is in existence, the mayor, city treasurer and city clerk, ex-officio, shall constitute a sinking fund commission under this act, and shall have power to invest the moneys raised under this act in such securities as they may elect, and hold the same for the redemption of the bonds issued under this act, and

Term and con-  
ditions of  
bonds.

Sinking fund  
commission  
shall be con-  
stituted.

to redeem said bonds as they shall fall due ; and said sinking fund commissioners shall cause each year an amount equal to one-twentieth of all the outstanding bonds, and the annual interest on all outstanding bonds to be placed in each year's tax levy ; and it shall be the duty of the board in said city having the right to fix the tax levy, to place said amount in the tax levy of the next fiscal year ; *provided, always*, that if, at the expiration of the time for the redemption of any of the bonds issued under this act, the sinking fund commission shall not have sufficient funds on hand to redeem said bonds, and no adequate provision has been made for redeeming the same by the general tax levy, it shall be lawful for the board of said city having authority to make the annual tax levy to issue temporary loan bonds to redeem such maturing bonds for such length of time as said board shall elect, and to redeem said bonds and the interest thereon by future levies of taxes to pay the same ; and that all bonds issued under this act shall be signed by the mayor and city clerk, and have the corporate seal of the city issuing the same fixed to said bonds.

Proviso.

Temporary bonds may be issued when sinking fund fails to provide for redemption of.

4. *And be it enacted*, That before any bonds can be issued under the provisions of this act, that the council or governing board shall submit by resolution the question whether or not bonds shall be issued to the electors of such city of the third class, at either a special election to be called by such council or governing board, or at the annual charter election of such city ; that the notice, election and returns of the election shall be conducted in the manner that the annual charter election of such city is now conducted in such city ; that the elector desiring to vote for the issuing of bonds shall cast a ballot with the words "for bonds to be issued for street improvements," and any elector desiring the contrary shall cast a ballot with the words, "against bonds to be issued for street improvements," and if the result of said election is in favor of issuing such bonds, then such council or governing board of cities of the third class shall be authorized to issue the bonds in accordance with the provisions of this act.

Question of issuing bonds shall be voted upon.

5. *And be it enacted*, That the council or other governing board shall have the right to decide which streets or parts of streets shall be improved first, and such improvements shall be made from time to time, so as to best promote the general welfare of all the inhabitants of said city.

Governing body shall designate streets to be improved.

Improvement  
certificates  
may be issued.

6. *And be it enacted*, That it shall be lawful for any board having the right to fix the tax levy in any city of the third class, in order to carry on any street improvement and pay for the work done thereon, up to the time when the proceeds from the tax levy or sale of bonds will provide for the payment of the same, to issue improvement certificates at a rate of interest not to exceed six per centum per annum for such length of time as said board shall elect, and to pay and retire said improvement certificates out of the money raised by tax or sale of bonds, to pay for said street improvements, and the mayor of the city and the city clerk shall sign said improvement certificates, and the city clerk shall affix the corporate seal thereto.

Bonds limited  
to a certain  
amount.

7. *And be it enacted*, That the bonds issued under this act shall never exceed ten per centum of the taxable value of the real and personal estate in said city.

8. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXXX.

An Act to amend an act entitled "A supplement to an act entitled 'An act to establish a system of public instruction' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March fifteenth, one thousand eight hundred and ninety-three.

Act amended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "A supplement to an act entitled 'An act to establish a system of public instruction' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March fifteenth, one thousand eight hundred and ninety-three, be amended so as to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education, board of school trustees or other body having charge and control of the public schools in any school district in this state, acting under a special charter or under the provisions contained in the charter of any city, town, borough or other municipality, may in any year borrow a sum of money not exceeding four-tenths of the amount apportioned to such district from the state school moneys, for such year for the purpose of paying teachers' salaries falling due within said year; and that the said district may pay the amount so borrowed, together with interest thereon at a rate not exceeding six per centum per annum, out of the state school moneys apportioned to said district for the then current school year as soon as the same have been received by the city treasurer or other person designated by law as the custodian of the school moneys belonging to such district.

Board of control may borrow money to pay salaries.

Amount limited.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved May 15, 1894.

## CHAPTER CCXXXI.

An Act relating to the salaries of the officers of the senate and general assembly of the state of New Jersey for the session of the legislature for the year one thousand eight hundred and ninety-four.

Salaries of  
officers and  
pages in-  
creased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salaries of the officers and pages of the senate and general assembly that are now ascertained and fixed by law, be and the same are hereby increased for the session of the legislature for the year, one thousand eight hundred and ninety-four as follows: all officers of the senate and general assembly receiving a salary of one thousand dollars or upwards, shall receive an increase of twenty-five per cent above the amounts now fixed by law; all officers of the senate and general assembly receiving a salary of less than one thousand dollars, shall receive an increase of fifty per cent above the amounts now fixed by law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.



## CHAPTER CCXXXII.

**An act to further amend an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-nine of the act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, be and the same is hereby amended so as to read as follows :

79. *And be it enacted*, That the widow and minor children, or dependent mother or father, of any officer or soldier who may have been within three years last passed, or who may hereafter be killed or fatally injured, or who shall die from disease contracted while in the line of duty in the performance of any actual service of this state, or while engaged in any parade, encampment or brigade, regimental or battalion inspection (not in the service of the United States), or any officer or soldier who may have been since the eighteenth day of October, one thousand eight hundred and eighty-one, or who may hereafter be wounded or permanently disabled in the performance of any actual service of this state, or while engaged in any parade, encampment or brigade, regimental or battalion inspection (not in the service of the United States), shall, upon making due proof of the fact, receive from the treasury of this state the like reward that persons under similar circumstances receive from the United States, and in case of fatal injury such reward shall date from the time of receiving the injuries on account of which such reward is allowed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 15, 1894.

## CHAPTER CCXXXIII.

An Act to amend an act entitled "A further supplement to an act entitled 'An act concerning taxes,' approved April fourteenth, one thousand eight hundred and forty-six," which supplement was approved April eleventh, one thousand eight hundred and sixty-six.

Act amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of an act entitled "A further supplement to an act entitled 'An act concerning taxes, approved April fourteenth, one thousand eight hundred and forty-six,'" which supplement was approved April eleventh, one thousand eight hundred and sixty-six, be and the same is hereby amended so as to read as follows :

5. *And be it enacted*, That the following persons and property shall be exempt from taxation, namely :

Property exempted from taxation.

I. The property and the bonds and other securities of the United States, and the bonds and securities of this state which are by law exempt from taxation, the property of the counties, townships, cities and boroughs of this state, and stocks and other personal estate owned by citizens of this state situate and being out of this state, upon which taxes shall have been actually assessed and paid within twelve months next before the day prescribed by law for commencing the assessment.

II. All colleges, academies or seminaries of learning, public libraries, school-houses, buildings erected and used for religious worship, buildings used as asylums or schools for the care, cure, nurture, maintenance and education of feeble-minded or idiotic persons and children, provided such institutions are duly incorporated under the laws of this state, and the land whereon the same are situate, necessary to the fair use and enjoyment thereof, not exceeding five acres for each one, the furniture thereof and the personal property used therein, the endowment or fund of any religious society, college, academy, seminary of learning, public library or institution for feeble-minded persons as aforesaid ; *provided*, that no building so used which may be rented for

proviso.

such purposes and rent received by the owner therefor shall be exempted; the stock of any corporation of this state, which by charter or other contract with this state is expressly exempted from taxation, the stock of any corporation of this state, the capital whereof is by this act made taxable to and against said corporation, pews in churches, graveyards not exceeding ten acres of ground, cemeteries and all buildings erected thereon, and all buildings used exclusively for charitable purposes, with the land whereon the same are erected, and which may be necessary for the fair enjoyment thereof, and the furniture and personal property used therein, the funds of all charitable institutions and associations collected and held exclusively for the sick or disabled members thereof, or for the widows of deceased members or for the education, support and maintenance of deceased members.

2. *And be it enacted*, That this act shall take effect immediately.

Passed May 16, 1894.

#### CHAPTER CCXXXIV.

An Act to re-organize the boards of chosen freeholders in counties of the first class in this state.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That on and after the first Monday in December eighteen hundred and ninety-four, boards of chosen freeholders in counties of the first class in this state shall be constituted as follows; there shall be one member of such board from each ward of each city of the first class in such county; two members at large from each city of the second class in such county, and two members from each township and incorporated town not forming a part of a township, and having by the last preceding federal or state census as the case may be a population of more than ten thousand inhabitants; one member from each township and incorporated town, not forming a part of a town-

How boards of  
shall be con-  
stituted.

ship, and having by the last preceding federal or state census a population of less than ten thousand inhabitants; they shall be elected in and for their respective wards, cities, townships and incorporated towns on the first Tuesday after the first Monday in November, eighteen hundred and ninety-four, and on the first Tuesday after the first Monday in November, in each second succeeding year, they shall be respectively citizens of such wards, cities, townships and incorporated towns in and for which they are elected, their terms of office shall begin on the first Monday in December next after their election and they shall hold office for two years and until their successors are elected and qualified

When they shall be elected

Qualifications.

Terms and when they shall begin.

When board shall meet for organization.

Compensation of members.

Director's salary.

How salaries shall be paid.

Shall take and subscribe oath of office.

Governing power of municipality shall fill vacancies.

2. *And be it enacted*, That the boards of chosen freeholders in counties of the first class constituted as hereinbefore directed shall meet for organization on the first Monday in December one thousand eight hundred and ninety-four, and thereafter on the first Monday in December of each second succeeding year and shall elect from their own number a "director" who shall be the presiding officer of said boards, and shall appoint the standing committees thereof.

3. *And be it enacted*, That the members of the boards of chosen freeholders of counties of the first class shall receive as compensation for their services a salary of five hundred dollars per annum, and that the "director" shall receive the additional sum of five hundred dollars as such "director;" said salaries shall be paid out of the county treasury by the county collector of said counties in equal quarterly payments as the same become due, and no other compensation shall be allowed, given or paid to any of said members, or to the "director," for any services or expenses whatever connected with his said office; before assuming the duties of his office each freeholder appointed, chosen or elected under the provisions of this act shall take and subscribe an official oath for the faithful performance of the duties of his office, which oath shall be filed in the respective offices of the clerks of said counties.

4. *And be it enacted*, That any vacancy or vacancies hereafter existing in any of the boards of chosen freeholders constituted or elected under the provisions of this act shall be filled by the governing body of the city, incorporated town or township for which such vacancy or vacancies shall

exist; *provided*, that the members chosen to fill such vacancy or vacancies shall be citizens of the ward, city, incorporated town or township for which the vacancy or vacancies shall exist, and shall hold office for the unexpired term only. Proviso.

5. *And be it enacted*, That all laws, public general, special or private, now in force, relating to the boards of chosen freeholders of counties subject to the operation and provisions of this act, and consistent with this act, shall apply to the boards of chosen freeholders as the same shall be constituted or elected under the provisions of this act. All laws in force not conflicting shall apply.

6. *And be it enacted*, That the boards of chosen freeholders constituted or elected under the provisions of this act, shall be vested with all the powers, authority, rights and privileges, and shall have imposed upon them all the duties which are now vested in or imposed upon the boards of chosen freeholders now existing in each of said counties, and that all laws, parts of laws, statutes and parts of statutes now in force, and in anywise applicable to the boards of chosen freeholders in said counties, public, private, general or special, be and the same hereby are in all respects continued in full force and made applicable to the boards of chosen freeholders constituted or elected under the provisions of this act, except in so far as the same may conflict with or be inconsistent with the meaning of this act. Powers, authority, &c. of.

7. *And be it enacted*, That the terms of office of all chosen freeholders, and the terms of office of all "directors at-large," chosen or elected prior to the passage of this act in any of the counties subject to the provisions of this act, shall expire on the second day of December in the year one thousand eight hundred and ninety-four, notwithstanding that such members of such boards of chosen freeholders, or such directors-at-large, may have been chosen or elected for a longer term, or for a period extending beyond the said first day of December, one thousand eight hundred and ninety-four; and such members of such boards of chosen freeholders, and such directors-at-large, whose offices are terminated by this act, shall only receive and be paid as a salary and compensation for their services that part of the annual salary or emolument now provided for by law, proportioned to the actual time served by them in said offices. When present term shall expire.

8. *And be it enacted*, That the terms of office of all officers now holding office under appointment by the boards Shall be paid only for time of service. Offices of appointees vacated.

Successor of  
shall be ap-  
pointed.

Proviso.

Proviso.

Repealer.

of chosen freeholders of counties of the first class, or under appointment by any officer of any such boards, shall expire on the second day of December, one thousand eight hundred and ninety-four, notwithstanding that such officers may have been appointed for a longer term; and all offices filled by appointment by such boards of chosen freeholders shall be and become vacant from and after said second day of December, one thousand eight hundred and ninety-four, and the boards of chosen freeholders constituted or elected under the provisions of this act shall forthwith, upon their organization, appoint successors to the offices hereby vacated, who shall serve for terms of one year only; *provided*, that the persons now holding the respective offices of county auditor and county collector shall continue to exercise the duties of their respective offices until their successors shall have been appointed by the respective boards of chosen freeholders organized under this act, and shall have duly qualified; *and provided further*, that nothing in this section contained shall apply to or in any way affect any honorably discharged soldier or sailor of the United States, or the widow of such soldier or sailor in office at the time of the passage of this act, but any and all such persons shall continue and remain in their respective offices or positions the same as if this act had not been passed, and shall be removed only for cause.

9. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall be deemed a public act and shall take effect immediately.

Passed May 16, 1894.

## CHAPTER CCXXXV.

A Supplement to an act of the legislature of New Jersey entitled "An act to authorize the formation of traction companies for the construction and operation of street railways or railroads operated as street railways, and to regulate the same," approved March fourteenth, one thousand eight hundred and ninety-three:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever three or more persons desiring to create themselves into a corporation under the act to which this is a supplement, have made a certificate, in writing, in which it is set forth that such persons have formed themselves into a corporation under said act, and have executed, acknowledged and filed said certificate, and paid to the treasurer of the state of New Jersey the amount with which said company was to commence business as required by the provisions of said act, the said persons, so associated, their successors or assigns, shall, from the time of the commencement fixed in said certificate and until the expiration of the time therein expressed, be incorporated into a company by the name mentioned in said certificate for all the purposes mentioned and set forth in said act, and such corporation shall, from the time of commencement fixed in said certificate, be possessed of all the powers, rights and privileges granted by said act to any corporation organized thereunder. How organized

2. *And be it enacted*, That whenever any certificate of incorporation or articles of association of any company organized under the provisions of the act to which this is a supplement shall contain a description or designation of a line of railway or the routes or length of the same as proposed to be constructed and operated by said company, such description or designation shall not limit or restrict the powers of such company, but such company shall be possessed of all the powers rights and privileges granted to all corporations organized under said act, with the same force and effect as if said description or designation had not Powers, rights and privileges.

been inserted in said certificate or articles of association, and any such company having heretofore applied to the proper municipal authority in any city, town, borough, village, township or county in this state, and having been granted a location to build, maintain and operate a railway conformably to the route or routes designated in the description of the route or routes of such railway or extension thereof and its map or maps exhibiting the same filed in the office of the secretary of state, such company shall have the power and authority to build, maintain and operate a railway, with the necessary appliances therefor, in accordance with the provisions of the act to which this is a supplement, in, along and upon any street or highway in accordance with such location granted as aforesaid, notwithstanding any description, designation or limitation of any line of railway or route or length thereof contained in the certificate of organization or articles of association of such company.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 16, 1894.



## CHAPTER CCXXXVI.

A Supplement to an act entitled "An act for the formation and government of boroughs," approved April second, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it is proposed to change, alter or relocate a boundary or boundary lines of any borough formed under the act to which this is a supplement, such change, alteration or relocation shall be made only upon a petition, signed by three fourths of the persons whose property is located within the proposed change, alteration or relocation, stating by metes and bounds the said change, alteration or relocation; and upon such petition signed as aforesaid being presented to the law judge of the court of common pleas of the county in which such borough is situate, or to any justice of the supreme court of the state of New Jersey, it shall be the duty of said law judge or justice of the supreme court, to order said petition filed with the clerk of the county in which said borough named in the petition is located, and also to order a special election of the legal voters of such borough to be held by the regular election officers of the said borough on a day named in said order, not less than thirty days from the date of such order, which order of said judge shall set out the particulars, proposed changes, alterations or relocation, and also order the clerk of such borough to give twenty days' notice of the said election, which notice of the clerk shall contain a true copy of the order signed by the judge aforesaid; and if at such special election a majority of the votes so polled are for the change, alteration and relocation proposed in said petition, then the election officers shall so certify; and if against such change, alteration or relocation, then the election officers shall so certify, and the certificate, together with the petition and all orders thereon, shall be recorded by said county clerk in the minutes of the court of common pleas, and the boundary or boundary lines of such borough shall thereafter be as evidenced by said record.

Boundaries may be changed only on petition.

Petition shall be filed on order of law judge or justice of supreme court.

Order shall set out particulars.

Special election shall be held.

Vote shall be  
by ballot, &c.

2. *And be it enacted*, That at such an election the vote shall be by ballot, designated and marked "official ballot," as now provided by law for election of members of general assembly, and said ballot shall be headed "for" or "against" the proposed change, alteration or relocation, and said election shall be conducted in all respects as elections are now conducted for election of said members of the general assembly of New Jersey.

Repealer.

3. *And be it enacted*, That this act shall be a general act, and all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCXXXVII.

A Further Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

Appropriation  
for troop of  
cavalry.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That an annual appropriation of one thousand dollars be made for each company or troop of cavalry, for uniforms, rent of drill-room and storage room for equipments and other expenses incident to the existence of the troop, and paid to the commandant of such troop, to be expended by him, with the approval of the board of officers of such troop; that the said sum of one thousand dollars be paid for the current year, and thereafter be paid on the date provided in the act to which this is a supplement.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 16, 1894.

## CHAPTER COXXXVIII.

An Act providing for the appointment of clerks to recorders in certain cities of the second class in this state and defining their duties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the recorders holding the police courts existing in any city of the second class in this state, having a population of forty-three thousand or over, shall have power and are hereby authorized to appoint in and for each of the police courts of said city a clerk, whose duty it shall be to attend the sessions of the court to which he may be appointed or assigned, and to the examination, trials and proceedings had therein, before whatever justice or judge may hold or sit in the same; such clerk shall, under the direction of the court, keep a brief record of all matters which shall come before the same; he shall, unless otherwise expressly directed by law, receive all fees and penalties imposed in the court to which he shall act, and shall account for and pay the same over to the proper officers or authorities within forty-eight hours after his receipt thereof; he shall keep a record of such fines and penalties and of the disposition thereof in books to be provided for that purpose by the board hereinafter named, and shall perform such other duties and services as the court or the justice or judge aforesaid may require; he shall receive a salary of nine hundred dollars per annum, to be paid in the same manner as now provided for by law for the payment of city officers; he shall be required to enter into a bond to the said city in its corporate name in the sum of three thousand dollars, with at least two sufficient sureties, to be approved by the board or body of such city having control of the finances thereof, conditioned for the faithful performance of his duty, which bond shall be renewed annually; every such clerk appointed as aforesaid shall hold office during good behavior, and shall be removed for cause only after opportunity to be heard respecting the cause assigned for removal.

Recorder of  
may appoint  
police clerk.

Duties of clerk.

Salary.

Clerk shall  
give bond.

Tenure of  
office.

2. *And be it enacted*, That if, when this act shall go into

Financial  
board may  
borrow money

effect in any such city, there be not sufficient money on hand out of which to pay any expenses rendered necessary thereby, the board or body thereof having control of the finances shall borrow sufficient money therefor, by means of a temporary loan or otherwise, in anticipation of the tax levy next to be made in such city, and shall therein make provision for the payment thereof.

3. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 16, 1894.

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## CHAPTER CCXXXIX.

### An Act concerning the condemnation of lands.

When money  
for lands con-  
demned shall  
be paid into  
the court of  
chancery.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cases where lands are sought to be taken by eminent domain for the construction of a railroad, or for any other public use, and said lands are in the possession of a person or persons who claim to own the same, but whose ownership thereof is denied by others who are out of possession of said lands, but who claim to hold the legal title thereto, it shall be lawful for the corporation seeking to acquire said lands for public use as aforesaid to make the person or persons in possession of said lands, claiming to own the same, and also the persons out of possession thereof, who claim to hold the legal title thereto, parties to the proceedings taken to condemn said lands; and the money awarded to the owner or owners of said lands shall, by the order of the chancellor, made for that purpose, be paid into the court of chancery, and shall there be distributed according to law; and notice given, in such manner as the chancellor shall by order direct to the person or persons in possession of said lands, claiming to own the same, and to the persons out of possession thereof who claim to hold the legal title thereto, that such money has been paid into said court, shall have the same effect as

if the money so awarded had been actually tendered to the true owner or owners of said lands ; and in case the persons out of possession of said lands who claim to hold the legal title thereto, or any of them, are made parties to said condemnation proceedings as the unknown heirs, or the unknown devisees, of a deceased former owner of said lands, as is provided in the second section of this act, then notice given to them as aforesaid, directed to them as the "unknown heirs" or the "unknown devisees" of such former owner, shall have the same force and effect as if given to each of said persons by name.

2. *And be it enacted*, That in case the persons out of possession of such lands, who claim to hold the legal title thereto, base their claim upon the fact that they are the heirs or devisees of a deceased former owner of said lands, and it shall be made to appear to the satisfaction of the justice of the supreme court before whom such condemnation proceedings are begun, by affidavit or otherwise, that the names and residences of some of such heirs or devisees cannot be ascertained by due inquiry, then the said justice of the supreme court shall by order direct that such condemnation proceedings shall be carried on against such unknown heirs or devisees as the "unknown heirs" or the "unknown devisees" of such deceased former owner of said lands, and shall prescribe by order in what manner the several notices required by the law authorizing such condemnation proceedings shall be served upon or published against such unknown heirs or devisees ; and the service or publication of such several notices in the manner so prescribed shall have the same force and effect as if the same had been personally served upon each of said unknown heirs or devisees.

Proceedings in case persons claiming are not in possession.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCXL.

An Act in relation to the manner of paying teachers in the public schools of certain cities in this state, and giving the commissioners of public instruction, or other body having the charge or control of public schools, power in relation thereto.

Governing  
body of public  
schools in may  
provide for  
manner of pay-  
ing teachers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the commissioners of public instruction, or other body having the control of public schools in any city of the second-class of this state, to provide by resolution for the manner in which payments shall be made to teachers of the public schools in such cities, and receipts taken therefor; and all payments made and receipts taken therefor by the city treasurer, in the manner prescribed by such resolution or resolutions, shall release and discharge the treasurer of any such city from all further liability and responsibility on account thereof, and shall be deemed and taken to be in all respects regular and lawful.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCXLI.

A Further Supplement to an act entitled "An act to provide for the more permanent improvement of the public roads of the state," approved April fourteenth, anno domino one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in counties of the first class where the owners of more than two-thirds of the lineal frontage upon any road or street, not less than one mile in length, have petitioned the public road board of said county for the improvement and macadamizing of said road or street, the board of chosen freeholders of said county shall have power to macadamize and complete said improvement in accordance with the provisions of this act and the supplements thereto, and the cost of said improvement shall be paid for as therein provided.

Chosen freeholders may complete improvements of road or street.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 16, 1894.

CHAPTER II

ON THE PROCEEDINGS OF THE COURT

*Summary of the proceedings of the court in the case of the State of New York v. The People of the County of New York, et al.*  
 The court in the case of the State of New York v. The People of the County of New York, et al. held that the State of New York is entitled to the custody of the body of the defendant, and that the court should order the defendant to be committed to the custody of the State of New York.

*Notes of the proceedings of the court in the case of the State of New York v. The People of the County of New York, et al.*  
 The court in the case of the State of New York v. The People of the County of New York, et al. held that the State of New York is entitled to the custody of the body of the defendant, and that the court should order the defendant to be committed to the custody of the State of New York.

*Summary of the proceedings of the court in the case of the State of New York v. The People of the County of New York, et al.*  
 The court in the case of the State of New York v. The People of the County of New York, et al. held that the State of New York is entitled to the custody of the body of the defendant, and that the court should order the defendant to be committed to the custody of the State of New York.

Approved: May 12, 1904



## CHAPTER CCXLIV.

An Act in relation to certain sales of lands, tenements, hereditaments or real estate, under any order, judgment or decree of any court of this state, or by any executor, trustee, assignee or other officer.

WHEREAS, The provisions heretofore in force relative to the Preamble. advertisement of sales of lands, tenements, hereditaments or real estate have not been in certain cases in all respects complied with, whereby the titles to certain lands, tenements, hereditaments or real estate are or may be alleged to be defective or uncertain ;

1. BE IT ENACTED *by the Senate and General Assembly of the* *the State of New Jersey*, That no sale of any lands, tenements, hereditaments or real estate made before this act goes into effect, under any order, judgment or decree of any court of this state, or by any executor, trustee, assignee or other officer shall be invalidated by reason of any omission to advertise such sale, or any adjournment thereof, in the manner and for the length of time theretofore required by law, or by reason of any other irregularity or default in such advertisement ; but the purchaser of such lands, tenements, hereditaments or real estate, having paid the price thereof, and having received his or her deed therefor, and his or her heirs and assigns, shall be deemed to have as good and complete a title thereto as if such sale or adjournment had been in all particulars duly advertised. Sales shall not be invalidated by failure to advertise, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 16, 1894.

overseer of the poor of the county, township or city in which the said institution is situated, for the use of the poor of the said institution.

4. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCXLVII.

A Further Supplement to an act entitled "An act for the formation and government of boroughs," approved April second, one thousand eight hundred and ninety-one.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all boroughs of the first class existing within the limits of any of the townships of this state, incorporated under the act to which this is a supplement, shall hereafter be entirely separate and independent from said township in all matters.

Boroughs of first class shall be separate from township.

Voters within borough shall not vote for township officers, &c.

2. *And be it enacted*, That the legal voters within said boroughs shall have no right to vote for any officer or person of the township out of which said borough has been created, nor to vote for any appropriation for any purpose concerning the township.

Money shall not be raised in for township purposes.

3. *And be it enacted*, That hereafter no money shall be raised in such boroughs by taxation or otherwise, for township purposes, except such proportionate amount as may be necessary to pay the interest or principal on any bonds against said township, existing at the time this act shall become a law.

4. *And be it enacted*, That all township officers elected prior to the passage of this act, residing within said borough, shall hold their offices until the expiration of the time for which they are elected.

Officers to be elected.

5. *And be it enacted*, That in all boroughs of the first-class incorporated under the act to which this is a supplement, the legal voters of said borough shall, at each annual election for borough officers, elect justices of the peace,

## CHAPTER CCXLVI.

A Supplement to an act entitled "An act for the better regulation of poor-houses in this state," approved May sixth, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every almshouse, poor-house or other institutions for the reception or maintenance of poor persons in this state, females shall be kept separate from males at all times in their living rooms, bed rooms, halls, stairways, eating-rooms, outbuildings and yards; and it shall be the duty of the freeholders of any county, township committee, city council or other authority charged with the care of any such institution to provide all the buildings and accommodations necessary to carry out the intentions of this act; *provided, however*, that the provisions of this act shall not apply to persons who are lawfully married and living together as man and wife, and who are now or may hereafter become inmates of such almshouse, poor-house or other institution.

Females shall be kept separate from males.

Freeholders shall provide accommodations therefor.

Provided.

2. *And be it enacted*, That the keeper or person in charge of every institution for the poor in this state shall keep a book, to be provided by the authority charged with the care of the institution, in which book he shall enter from time to time the name, date of commitment, age, sex, color, description, physical and mental condition, birthplace and date of discharge, or of death and place of burial of each and every person coming into the care of such institution, together with any other information about them which may be ascertained, and said book shall be open to inspection by the public at all times.

Keeper shall keep record of inmates.

3. *And be it enacted*, That for the wrongful neglect or refusal to keep the said book according to the requirements of this act, or for the willful alteration of any entry in the same, or the willful mutilation or destruction thereof, the said keeper or person in charge shall be liable to a penalty of twenty-five dollars, to be recovered in any court of competent jurisdiction, together with the costs of suit, by the

Penalty for failure to do so.

which said commitment and all other writs in the cause may be served by the marshal or any constable.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCL.

An Act to regulate the construction and maintenance of street railroads in this state.

Consent of governing body must be obtained.

Notice of application for must be advertised in newspapers and posted.

Notice shall specify name &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the provisions or restrictions now required by law, no street railroad shall, from and after the passage of this act, be constructed in, over and upon any street, avenue, highway, land or other public place in any municipality, town, township, village or borough of this state, except upon the consent of the governing body of such municipality, town, township, village or borough, which consent shall only be granted upon a petition of the corporation desiring to construct, operate or maintain a street railroad upon any of the streets, avenues, lanes highways or public places of such municipality, town, township, village or borough, filed with the clerk thereof, nor shall such permission be granted until public notice of such application shall have been given by publication in one or more newspapers published or circulating in said municipality, town, township, village or borough, to be designated by said governing body, and by posting in five of the most public places in such municipality, town, township, village or borough, for at least fourteen days before the meeting of the governing body thereof at which said application shall be considered, which notice shall specify the name of the corporation presenting such petition, the date of filing the same, the character of the road intended to be constructed, operated or maintained, the motive power to be used thereon, and the street or streets, or other public places through which the same shall extend; that upon the date fixed by

such notice, or upon such subsequent date as the hearing of said petition may be adjourned to, by the governing body of such municipality, town, township, village or borough, said municipality, town, township, village or borough may, by ordinance, and not otherwise, grant, or by resolution may refuse permission to construct, maintain or operate such street railroad as prayed for in said petition, or in their discretion may consent to the construction, maintenance or operation of such street railway upon part of the streets, highways or public places designated in such petition or notice, and refuse permission to construct, maintain or operate said street railway upon the remainder of such streets or public places, and the location thus granted by the governing body of such municipality, town, township, village or borough shall be deemed and taken to be the true location of the tracks of said street railway, if an acceptance thereof in writing by the corporation making such petition shall be filed with the secretary of state within thirty days after receiving notice thereof, and a copy thereof delivered to the clerk or other equivalent officer of such municipality, town, township, village or borough ; *provided, however*, that such petition for the designation of route, construction, maintenance or operation of a street railway company shall not be granted by the governing body of any municipality, town, township, village or borough in this state, until there be filed with the clerk of such municipality, town, township, village or borough, or other equivalent officer, the consent in writing of the owner or owners of at least one-half in amount in lineal feet of property fronting on such street, highway, avenue or other public place, or upon the part of such street, highway, avenue or other public place through which permission to construct, operate and maintain a street railway is asked, and any such consent may be signed by an attorney in fact thereunto duly authorized and by the executor or trustee of any deceased owner or owners ; *provided, however*, that if any consents have been heretofore obtained to the location of the tracks and the construction and operation of any such railway in, along or upon any street, road or highway in this state, and have been filed with the clerk of any municipality, town, township, village or borough wherein any application by any such railway company is now pending for the necessary consent and permission to locate its tracks and to construct and operate its

Grant must be  
by ordinance

Acceptance  
must be filed  
with secretary  
of state.

Proviso.

Proviso.

railway, such consents, under any application made under this act, shall have the same force and effect and be entitled to be considered and counted the same as any consents obtained, given and filed after the passage of this act.

Shall not apply to previous grants after work has commenced.

2. *And be it enacted*, That the provisions of this act shall not apply to any case in which a location has heretofore been granted, and the work of construction commenced, as provided for under any existing law; and all applications pending shall be proceeded with in conformity with the provisions of this act.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCLI.

An Act to authorize townships and other municipal bodies in counties of the third class in this state to vote moneys for the support of public patients in hospitals situated in said counties.

Money voted shall be assessed and collected as other money.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the voters of any township, borough or other municipal division in any county of the third class in this state be and they are hereby authorized and empowered, at the annual township, borough or other municipal election, or at any election duly held for that purpose, by a majority of all the votes cast at such election, to vote, grant and raise such sum or sums of money as they may determine for the purpose of maintaining or aiding in the maintenance of public patients in any hospital duly incorporated under the laws of this state, and situated in such county, which moneys so voted and granted shall be assessed, levied or collected as other moneys in said township, borough or other municipality are assessed, levied or collected, and shall be paid over to such hospital from time to time as directed by the governing body of such township, borough or other municipality.

And paid to Hospital.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCLII.

A Supplement to an act entitled "An act to authorize the transfer of suits from the several circuit courts to the several inferior courts of common pleas," approved March twenty-third, one thousand eight hundred and ninety-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any suit that has been transferred or shall hereafter be transferred from the circuit court to the inferior court of common pleas by virtue of the act to which this is a supplement, the presiding law judge of said inferior court of common pleas may, at his discretion, and upon such terms as he may think reasonable, direct any case of doubt or difficulty to be made and stated and certified by him to be argued at the bar of the supreme court, which court shall hear the same, and, after opinion given therein, shall certify the same to the said inferior court of common pleas, which court shall render judgment thereon in conformity with such opinion.

Law Judge  
may certify  
case to su-  
preme court.

2. *And be it enacted*, That in such cases so certified that the same proceedings and practice shall be had thereon as is now had in cases certified from the circuit courts of this state to said supreme court.

Proceedings  
and practice.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCLIV.

An Act to amend an act entitled "An act concerning sheriffs," approved March fifteenth, one thousand eight hundred and seventy-six.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fourteen of the act entitled "An act concerning sheriffs," approved March fifteenth, one thousand eight hundred and seventy-six, be and the same is hereby amended to read as follows :

Custody of jails and prisoners.

14. *And be it enacted*, That the sheriff of every county of this state shall have the custody, rule, keeping and charge of the jail or jails within such county and of all prisoners in such jail or jails, and shall be responsible for the conduct of any keeper whom he shall appoint for the same ; *provided, however*, that this section shall not apply to counties of the second or third classes, where the board of chosen freeholders of any such county may have appointed, or may hereafter appoint, a warden or keeper of such jail or jails ; *and provided, further*, the sheriff of any county may, by written notice, direct the board of chosen freeholders in said county, to take and have the custody, rule, keeping and charge of the jail or jails within said county, and upon such notice having been given by any sheriff to the board of chosen freeholders of this county, said board of chosen freeholders shall appoint a warden or jailor, and such keepers ~~as~~ may be necessary, and said board of chosen freeholders and such warden or jailers shall in receiving, custody and discharge of prisoners, and in their treatment and maintenance be subject to all laws and regulations to which sheriffs and their jailers are subject.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Passed May 16, 1894.



## CHAPTER CCLV.

An Act concerning the number of commissioners of deeds in and for the cities of the second class of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful to appoint five commissioners of deeds for each of the wards in the several cities of the second class of this state.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and are hereby repealed, and this act shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCLVI.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of boroughs organized under the act to which this is a supplement to issue improvement certificates for the payment of the cost and expense incurred by them for the construction and repair of sidewalks within the borough, such certificates to draw interest not to exceed the legal rate of six per centum per annum, and shall be made payable at such time, not exceeding three years from date of issue, as the mayor and council may determine, and may provide for redemption prior to date fixed for payment thereof.

Governing body may issue certificates to pay for construction and repair of sidewalks.

2. *And be it enacted*, That it shall be lawful for the mayor and council to fix a definite period for the payment of any certificates of indebtedness, other than those referred to in

May fix other period for payment of certificates.

the foregoing section, authorized by law to be issued by them, not exceeding five years, and may in their discretion provide that such certificates so issued shall be redeemable after a date therein named, and payable at a more remote period not beyond said five years.

Governing  
body may  
grade streets.

Proviso.

3. *And be it enacted*, That in case the mayor and council shall deem it for the public good to cause any unaccepted dedicated street, road or highway to be graded, either in whole or in part, they may, of their own motion and without petition, proceed to grade the same; *provided*, that at least two weeks' notice of the intended work be first given, and fixing a time and place of hearing, by publishing the same twice, before such hearing, in one or more newspapers printed or published or circulated within the borough, and mailing a copy thereof to the owner or owners of lands affected thereby, if their post-office address be known or can be ascertained, and cause a copy of such notice to be posted in the post-office of the borough, at least ten days before the hearing; *provided*, that if the owners of one-half of the lineal feet frontage on the street so to be improved shall object thereto in writing, then the proposed work shall be abandoned and shall not be renewed until a petition be presented as now provided by law for that purpose; if no such written objection be presented, and no cause shall appear to the contrary, then the mayor and council shall proceed with the work in the same manner as though the aforesaid petition had first been presented to them.

Proviso.

May contract  
for lighting  
streets.

4. *And be it enacted*, That it shall be lawful for the mayor and council to enter into a contract or contracts for the lighting of the streets of the borough for any period of time of five years or less, and that any and all such contracts heretofore entered into, for a term not exceeding five years, be and the same hereby are ratified and confirmed.

Mayor shall  
preside at an-  
nual meeting  
of council  
until mayor is  
elected.

Proviso.

5. *And be it enacted*, That it shall be the duty of the newly inaugurated mayor to preside at the annual meeting of the council, which shall be held on the first Monday following the annual election, and continue to preside until the president of the council is elected as hereinafter provided, and thereafter it shall be in the discretion of the mayor whether or not he shall preside at any of the other meetings of the council during his term; *provided*, in case the council, after three ballots, fail to elect a president, then the mayor shall appoint the president from the candidates.

6. *And be it enacted*, That the council shall, at the first regular council meeting after this act goes into effect and at the annual council meetings thereafter, elect from their number a president of the council, who shall preside at all the meetings of the council when the mayor does not so preside; that he shall hold his office for the term of one year and until the next annual council meeting; he shall have the right of debate and a vote on all questions before the council; that upon his election, and before taking his office, he shall take and subscribe an oath to well and faithfully perform the duties of his said office according to the best of his ability and understanding, and file the same with the borough clerk.

Council shall elect president

Shall subscribe oath of office.

7. *And be it enacted*, That in case of the mayor's absence for a period of three days, or in case of the mayor's inability to act by reason of sickness or other cause, the president of the council shall, perform all the duties of the mayor during such absence or inability; *provided, however*, that it shall be the duty of the mayor, in case of his intended continued absence from the borough for more than three days at any one time, to notify said president in writing of such intended absence, whereupon the said president shall be and become acting mayor from the receipt of such notice, and shall continue to act until the mayor's return.

Shall be acting mayor during mayor's absence, or inability.

Proviso.

8. *And be it enacted*, That all vacancies occurring by reason of resignation, death or otherwise in any of the elective offices of the borough, shall be filled by the mayor and council until the first Monday succeeding the then next annual election, and until the election and qualification of his successor.

Vacancies shall be filled for unexpired term.

9. *And be it enacted*, That each and every ordinance passed by the council, and also all resolutions of the council, excepting only such as refer to or regulate matters of procedure by or before the council, shall be submitted to the mayor for the purpose of his approval or veto, as prescribed in and by section four of chapter seventy-five of the laws of one thousand eight hundred and eighty-five, being a supplement to the act to which this act is a supplement.

10. *And be it enacted*, That any assessments made for grading or otherwise improving streets, roads, avenues or public places, and for curbing and guttering, and for the construction of flagstone sidewalks, may, at the option of the owner or owners of the lands affected thereby, be paid in three equal installments, the first within ninety days after the

Assessments for improvements may be paid in installments.

Until paid  
shall be first  
lien upon  
lands.

Benefits of  
provision shall  
not be allowed  
until certain  
conditions are  
complied with.

Proviso.

Mayor shall  
nominate all  
officers.

Repealer.

assessment has been perfected, the second in one year thereafter, and the third in two years thereafter, together with interest thereon at and after six per centum per annum, and said assessment, or such part thereof as may remain unpaid, shall be and remain a first and paramount lien upon the lands affected thereby until paid; that such owner or owners shall not have the benefit of the provisions of this section unless and until such owner or owners shall execute and deliver to the mayor and council an instrument in writing, under his her or their hand and seal duly acknowledged or proven as mortgages are by law required to be, setting forth the nature and amount of such assessment, and the dates when the installments are due and payable, and a description of the lands and premises against which said assessment is levied, and which said instrument shall be recorded and indexed in the clerk's or register's office, as the case may be, of the county within which the borough is situated in the same libers and manner as mortgages are recorded, and same recording fees paid, and upon payment of the assessment therein described, with interest, and the costs and expenses incurred respecting the same, the mayor and council shall deliver a certificate of satisfaction therefor, and the clerk or register shall discharge such record in the same manner and at same expense as mortgages are discharged; *provided*, that upon the failure to pay any installments and interest when due, the whole of said assessment shall become immediately due and payable, and collection enforced by the sale of the lands affected thereby, as now provided by law for the sale of lands for unpaid taxes.

11. *And be it enacted*, That the mayor shall nominate, and with the advice and consent of the council shall appoint, any and all officers to be elected or appointed by the mayor and council, including the filling of vancancies in elective offices.

12. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCLVII.

A Supplement to an act entitled "An act concerning firemen's relief associations," approved March twenty-fifth, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever, heretofore, or hereafter, a volunteer, or part volunteer and part paid, fire department has been or is now in existence, which department had or has a relief association formed under the act to which this is a supplement or under any special or other act a fund for the relief of its members, and a paid fire department is organized under the municipal authority to take the place of the old organization, and such paid fire department has organized or may organize a relief association under the provisions of the act to which this is a supplement it shall and may be lawful for the members of the old relief association, by a two-thirds affirmative vote of its members at a special meeting to be called for that purpose, of the time and place of holding which meeting each member of the association shall have personal notice at least ten days, or in lieu thereof such notice shall be posted in a conspicuous place at each house or place of meeting of each company or organization, choosing representatives or trustees to such relief association, or fund, at least thirty days, and be published for four weeks successively immediately preceding said meeting in one or more newspapers published in the city or other municipality where such organization has its existence, to instruct its board of representatives, or other body having control and disposition of said fund, to convey, assign, transfer and set over all the funds and other property of said association, or fund, to an exempt firemen's association existing in said municipality, of which three-fourths of the members of said association or fund are members, or entitled to become such by reason of fire service for a sufficient time; and thereupon the said board of representatives or other body having control and disposition of said fund may and shall, at a meeting to be held by it, of which

Volunteer association may merge with paid association.

Proceedings for transfer of funds.

meeting each representative or other member of said board, or body, shall have ten days' personal notice, by an affirmative vote of two-thirds of the members of said board, or body, convey, assign and transfer said funds and other property of such relief association, or fund, to said exempt firemen's association and instruct the proper officers to make all conveyances, assignments and transfers necessary to effect the said object so soon as the said exempt firemen's association shall at any regular meeting by a two-thirds vote of its members present request the said conveyance, assignment and transfer of the same to be made to it.

Funds shall be kept and used for benefit of exempt association.

2. *And be it enacted*, That said fund when so transferred shall be kept and used for the use and benefit of the members of said exempt association and former beneficiaries under the fund in like manner and under like restrictions as the same were theretofore used, but under such officers as said exempt firemen's association by its by-laws provide.

May be represented in state association.

3. *And be it enacted*, That when the transfer of such funds and property shall be made to and received by such exempt firemen's association such exempt association shall become entitled to send three delegates to the New Jersey state firemen's association to take part in its proceedings in like manner as delegates from local relief associations now or hereafter shall take part therein, and shall make an annual report of its funds and other property and its receipts and disbursements of moneys in like manner and at a like time as such local relief associations, and shall be under like supervision and control as such local relief associations now

Shall make annual report to and be subject to supervision and control of.

are or hereafter may be of said state association, but such exempt firemen's association shall not take part or share in the distribution of the moneys made by the commissioner of banking and insurance, nor be entitled to receive, demand or take any of the moneys arising from the tax of two per centum upon the premiums obtained for insurance by foreign insurance companies on property in this state which now is or hereafter may be due and payable to local relief associations in this state.

Shall not share in certain fund

Repealer.

4. *And be it enacted*, That any and all acts or parts of acts, general or special, inconsistent herewith be and the same are hereby repealed, and that this act shall be a public act and take effect immediately.

Approved May 16, 1894.

## CHAPTER CCLVIII.

An Act to establish a law department in cities of the first-class in this state, to provide for the appointment and duties of the law officers therein, and for their compensation and terms of office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each city of the first class in this state there shall be a law department which shall consist of the following officers: a city or corporation counsel, a city or corporation attorney, and an assistant city or corporation attorney; the city or corporation counsel and the city or corporation attorney shall be counselors-at-law of this state of good standing, and the assistant city or corporation attorney shall be an attorney-at-law of this state of good standing; all of said officers shall be appointed by the respective mayors of said cities on the fourth Tuesday in May, one thousand eight hundred and ninety-four, and on the fourth Tuesday of each second succeeding year thereafter; they shall serve for the term of two years, and until their successors shall have been appointed.

Department  
shall consist of

Mayors shall  
appoint

2. *And be it enacted*, That the said law officers shall discharge the duties that now devolve upon any and all law officers in each of said cities respectively under such requirements and regulations as now provided by law, and that said officers shall perform all other duties which now devolve upon any law officer, city or corporation council, city or corporation attorney, or upon the counsel or attorney for any board or commission within the said city, except as herein otherwise provided.

Duties of

3. *And be it enacted*, That the city or corporation counsel shall be the chief law officer of the city; he shall provide written opinions when required to the mayor and the various boards and departments of the city government when required, and be their adviser upon all questions arising in relation to their official duties, and he shall assist the city or corporation attorney in the trial or argument of

Duties of cor-  
poration coun-  
sel.

any cause in which the city or any of the boards or officers may be a party, pertaining to the business of the city; it shall be the duty of the city or corporation attorney to draw and prepare all contracts in which the city is interested and ordered by any board or department of the city government to be approved by the city or corporation counsel, and to prosecute and defend any action in which the city is a party, or any of its boards or departments, or officers, in relation to the interests of the city, and to prepare all such causes for trial or argument, and perform such other duties as shall pertain to the office of city or corporation attorney; it shall be the duty of the assistant city or corporation attorney to aid generally in assisting the city or corporation attorney in the duties herein allotted to him, and perform such other work of the law department of the city as shall be assigned to him by the city or corporation counsel.

Present offices  
vacated.

4. *And be it enacted*, That on the third Monday in May, one thousand eight hundred and ninety-four, the offices of city or corporation counsel, corporation attorney, and assistant city or corporation attorney, the offices of the counsel and attorney of any board of works, board of street and water commissioners, the board of health, aqueduct board, the commissioners of adjustment, and the office of every other law officer of said city shall become vacant, and the terms of said officers shall then cease, although they may have been appointed for a longer term.

Vacancies  
shall be filled  
for unexpired  
term only.

5. *And be it enacted*, That any vacancy which may occur in the office of city or corporation counsel, city or corporation attorney, or assistant city or corporation attorney, after the first Tuesday after the third Monday in May, one thousand eight hundred and ninety-four, shall be filled by the mayor, but for the unexpired term only.

Salaries of  
officers.

6. *And be it enacted*, That the city or corporation counsel so appointed shall receive an annual salary of not more than six thousand dollars, payable monthly, to be fixed by the mayor; that the city or corporation attorney shall receive an annual salary of not more than four thousand dollars, payable monthly, to be fixed by the mayor, and that the assistant city or corporation attorney shall receive an annual salary of not more than fifteen hundred dollars, payable monthly, to be fixed by the mayor; all of such salaries shall be paid by the board of finance or by that board of the city government having the control and man-



agement of the finances of said city, in the manner now or hereafter provided for the payment of the salaries of other city officers therein.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Passed May 16, 1894.

## CHAPTER CCLIX.

An Act providing for the formation and establishment of wards in cities of the first class in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the mayor or chief executive officer of any city of the first class in this state to nominate, and under his hand appoint, five persons, residents of the city in and for which they are appointed, commissioners, whose duty it shall be, within sixty days after their appointment to divide the city in and for which they are appointed into wards, as herein provided; not more than three of said commissioners so appointed in any such city shall be of the same political party, and they shall within ten days after their appointment, having first taken and subscribed before some officer duly authorized to administer oaths and affirmations, an oath or affirmation faithfully and impartially to execute and perform the duties imposed upon them, proceed to divide such city into wards; all such wards shall be formed of contiguous territory, and in dividing the same the said commissioners shall have regard to equality of population; the boundary and dividing lines of all such wards shall be properly described, and a map defining the said lines and showing the extent and boundaries of such wards shall be made and filed by the said commissioners in the office of the city clerk of such city, with a description or statement of such lines, all of which shall be attested and certified by the said commis- Commissioners shall be appointed.

Shall not be of same political party.

Shall be sworn

Shall make and file maps of boundaries.

- Majority of  
may act.
- Expenses, etc.,  
shall be paid.
- Salaries of
- Present ward  
boundaries  
abolished.
- And offices  
vacated.
- Tenure of  
office of new  
ward offices.
- Commission-  
ers shall define  
election dis-  
tricts.
- sioners, under their hands, and shall there remain of record.
2. *And be it enacted*, That the acts of a majority of the said commissioners shall be deemed and taken to be the acts of all the said commissioners, and shall be valid and binding when done in pursuance of this act; such commissioners shall have power and authority to employ in each city, when so appointed, a competent surveyor, to aid them in the discharge of their duties; and the expenses of the said commissioners and of the said surveyor, and the compensation for their services, shall be paid for by the city in and for which they are appointed, in the same manner that other officers in such city are paid for services and expenses; each of the said commissioners shall be paid for their services under this act the sum of three hundred dollars, and the expenses and services of the said commissioners and their agents shall be paid in like manner upon the certificate of the said commissioners; such expenses, however, in no case to exceed the sum of five hundred dollars.
3. *And be it enacted*, That when any such city shall have been divided into wards, as herein provided, and the said map and description shall have been filed as herein directed, all existing ward lines therein shall be and they are hereby abolished, and the wards so designated and described shall be and continue the wards of the said city, and thereafter all officers elected or appointed in the said city, for or representing the wards thereof, shall be appointed for or elected from the wards as established.
4. *And be it enacted*, That all officers elected or appointed for existing wards in any city wherein wards in any city wherein the ward lines are changed, and new wards created, as herein provided, shall continue in office until their respective terms of office shall have expired, and until others are duly appointed or elected to take their places, and that hereafter such number of officers shall be elected or appointed from the new wards as may be elected, or appointed, from the wards now existing.
5. *And be it enacted*, That when new wards are created, as herein provided, it shall be the duty of the commissioners making a division of the said wards, as herein directed, to divide the said new wards into election districts or precincts, and cause boundary lines of the same to be marked upon the map to be made as herein provided; such election precincts shall be so far as practicable, constituted as not to

contain over six hundred voters, and that when the division of the same is made as herein provided, into election districts or precincts, and the map herein required to be made has been made and filed as herein directed, election districts or precincts as they now exist in the territory so divided into wards shall be, and they are hereby, abolished, and the <sup>Present dis-</sup> ~~districts abolished~~ new districts or precincts herein provided for shall be the election districts or precincts of the wards so established.

6. *And be it enacted*, That the term "wards," as used in this act, shall include all divisions of cities known as "aldermanic districts," and that hereafter all such districts shall be known and designated as wards. <sup>Term "ward" defined.</sup>

7. *And be it enacted*, That all acts and parts of acts in- <sup>Repealer.</sup> consistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect on Monday, the fourteenth day of May, eighteen hundred and ninety-four.

Passed May 16, 1894.

## CHAPTER CCLX.

**A** Further Supplement to the act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section six of the act to which this is a supplement be amended to read as follows : <sup>Section amended.</sup>

6. *And be it enacted*, That the legal voters of a district so organized shall meet annually on the last Saturday in May, at three o'clock in the afternoon, and determine the amount of money to be raised for the ensuing year, and elect a board of fire commissioners, to consist of five persons resident in such district, who when elected, shall possess within such district, all the rights and powers of the township committee under this act and shall hold office for three years and until their successors are elected ; *provided*, that <sup>Voters shall determine appropriations and elect five commissioners</sup> ~~Provide.~~



in any one year, which sum so designated being certified on the returns of said election shall be assessed and collected under the name of borough tax by the same officers and at the same time and in the same manner as township taxes are or may hereafter be collected by law; *provided*, the same shall be assessed only upon the taxable property, real and personal, within the borough limits, and the moneys so raised shall be paid out by the township collector upon the warrant of the said commissioners, signed by the president and attested by the secretary of said board, and if any township collector shall, at the expiration of his term of office, have in his hands any balance of such moneys he shall turn the same over to his successor in office; said township collectors shall be responsible upon their official bonds as township collectors for said moneys by them collected or received, and the assessors and collectors shall receive the same fees for assessing and collecting said borough tax as they may be entitled to receive for assessing and collecting township tax; if any person shall think himself or herself aggrieved by any assessment or taxation made or levied under this act, he shall have the same remedy by appeal or certiorari as in the case of township taxes.

Proviso.

Township collectors shall be held responsible and receive fees.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCLXII.

A Supplement to an act entitled "An act to set off borough commissions from the townships in which they are located, and providing for their government," approved May second, one thousand eight hundred and ninety-four.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seven of an act entitled "An act to set off borough commissions from the townships in which they are located, and providing for their government," approved May second, one thousand eight hundred and ninety-four, be and the same is hereby amended so as to read as follows :

Shall not ap-  
ply unless  
adopted by  
majority of  
voters.

7. *And be it enacted*, That this act shall not apply to any borough commission until it has been determined by a majority of the legal voters of said borough commission at an election held under the order mentioned in the next section of this act that said borough commission shall separate from said township.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCLXIII.

An act to amend an act entitled "An act respecting licenses in cities, townships, incorporated towns, incorporated boroughs, or police, sanitary and improvement commissions and incorporated camp-meeting associations and seaside resorts." approved March thirteenth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the above-mentioned act be and the same is hereby amended so as to read as follows: Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of alderman, township committee or other governing body of any city, township, incorporated town, incorporated borough or police, sanitary and improvement commission, incorporated camp-meeting association or seaside resort in this state, to make and establish ordinances for the following purposes, namely, to license and regulate cartmen, porters, hacks, cars omnibuses, stages and all other carriages and vehicles used for the transportation of passengers, baggage, merchandise and goods and chattels of any kind, and the owners and drivers of vehicles and means of transportation, also auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk-shop keepers, keepers of bath-houses, boarding-houses and news-stands, sweeps, scavengers, traveling and other shows, circuses, theatrical performances, plays, exhibitions, concerts, skating-rinks, itinerant venders of merchandise, medicines and remedies, and also the place or places or premises in which or at which the different kinds of business or occupation mentioned herein are to be carried on or conducted; and to fix the rates of compensation to be paid therefor, and to prohibit all persons and places and all vehicles unlicensed from acting, using or being used in said capacities and for such uses and purposes, and to fix and prescribe penalties for the violation Governing body may establish ordinances for licensing certain occupations.

Proviso.

of any such ordinance or ordinances, and that fees for such licenses may be imposed for revenue ; *provided*, that no person or persons shall be required to take out a license in order to sell any product of his farm, or to sell meat, milk, bread or cake.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCLXIV.

An act to provide for the changing of boundary lines to boroughs incorporated under an act entitled "An Act for the formation and government of boroughs," approved March twelfth, one thousand eight hundred and ninety.

Boundaries  
may be chang-  
ed by vote at a  
special election

Proviso.

Governing  
body on peti-  
tion shall call  
special election

Notice for shall  
describe boun-  
daries, etc.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all boroughs incorporated under an act entitled "An Act for the formation and government of boroughs," approved the twelfth day of March, one thousand eight hundred and ninety, may by a majority vote of the legal voters as contained in the last registry list of such borough, at a special election to be called for that purpose, as hereinafter provided, change its boundaries ; *provided, however*, that there shall be no bonded indebtedness exist against such borough at the time of making such change.

2. *And be it enacted*, That the mayor and council shall upon receiving a petition setting forth the boundaries so proposed to be changed, signed by at least twenty legal voters within said borough, direct the borough clerk to call a special election, to be held in some convenient place within said borough, by notice (written or printed) under his hand, which notice shall contain an accurate description of the boundaries as proposed to be changed, and shall state the object of the election to be to vote for, or against the proposed change of boundaries, the time and place of holding the election, and the hours between which the polls



shall be open, which notice shall be set up at least fifteen full days previous to said election, in five of the most public [ ] in said borough, and shall be published once in each week, for at least two weeks immediately preceding said election, in all the newspapers published in said borough (if any), if none, then in two newspapers, printed and published in the county wherein the borough is situate for the same length of time.

Notice shall be published in newspapers.

3. *And be it enacted*, That the mayor of the borough shall appoint in writing under his hand, a clerk and two inspectors of said election, who shall be legal voters within said borough, who before entering upon the discharge of their duties, shall take and subscribe an oath or affirmation, to faithfully perform their duties as such clerk and inspectors

Mayor shall appoint election officers.

4. *And be it enacted*, That the polls shall be open from seven o'clock in the forenoon to seven o'clock in the afternoon, and the said election shall be conducted, as near as may be, in all respects as elections for members of the general assembly.

How election shall be conducted.

5. *And be it enacted*, That the ballots used at said election shall be either printed or written, and shall contain the words "For proposed change of boundaries" or "Against proposed change of boundaries" as the case may be, and at the close of the polls, the said election officers shall proceed to canvass the votes cast, and shall certify the result in the same manner (as near as may be) as provided for at general elections, and if the result of said election shall be in favor of the proposed change of boundaries, then in that case, upon filing of said certificate of the result of said election, and upon filing the boundaries of said borough, as so changed, in the clerk's office of the circuit court, of the county wherein the said borough is situate, the said boundaries so filed shall become the legal boundaries of said borough.

Ballots.

Election officers shall certify result.

6. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Repealer.

7. *And be it enacted*, That this act shall take effect immediately.

Approved May 16, 1894.

## CHAPTER CCLXV.

A Further Supplement to an act entitled "An act for the government and regulation of the state prison," approved April twenty-first, one thousand eight hundred and seventy six.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the governor, with the advice and consent of the senate, at the present session of the legislature and every five years thereafter, six persons to be inspectors of the state prison, who shall hold their office for five years and until their successors are duly qualified; appointments made to fill vacancies caused by death, resignation or otherwise shall be for the unexpired term only; of the original appointments, three shall be members of each of the two leading political parties of this state, and all subsequent appointments shall be so made as to maintain the same political status.
2. *And be it enacted*, That the said inspectors shall each receive a salary of five hundred dollars per annum, which shall be paid to them by the treasurer of the state upon the warrant of the comptroller; they may elect a president and secretary from their own number, but these officers shall receive no additional compensation for their services; the inspectors shall meet at the state prison within ten days after their qualification, and they shall hold monthly meetings at the prison at such times in each month as they shall determine; they shall also hold special meetings at such times as the necessities of the prison may require, or when called together by the principal keeper or supervisor of the prison; they shall be invested with all the powers and duties now conferred or imposed by law upon the state prison inspectors, excepting so far as the same are increased, decreased or abrogated by this act.
3. *And be it enacted*, That the principal keeper of the state prison shall have power to appoint and employ with the advice and consent of the board of inspectors such assistants, deputy keepers, clerks and watchmen as may be
- Governor by advice or consent of senate shall appoint inspectors.
- Vacancies shall be filled for unexpired term only.
- Salary of inspectors.
- No other compensation allowed.
- Shall hold monthly and special meetings.
- Keeper with consent of inspector shall appoint deputy keepers, clerks &c.

necessary and proper to enable him to execute the duties of his office, or as may be required for the proper service, management and control of the said prison, which subordinates shall receive such compensation and allowances as the said boards of inspectors shall deem just and proper, which compensation shall be paid monthly by the treasurer of the state on the warrant of the comptroller, upon orders drawn by two of the said inspectors designated by the board for that purpose; the said principal keeper may dismiss any or all of his said deputies and assistants whenever he shall deem proper, or when he shall be required to do so by a majority of the board of inspectors. Keeper may dismiss deputies, &c.

4. *And be it enacted*, That thirty days after the first meeting of the board of inspectors, the terms, duties, employment and emoluments of all the deputies, assistants and other subordinate officers of the prison whose appointment is now vested in the principal keeper or in the board of inspectors (excepting the matron, assistant matrons and the moral instructors), shall cease, and the same are hereby discharged; *provided, however*, that such discharge shall not forbid the reappointment under this act of suitable persons; *and provided further*, that all appointments under this act shall be in equal numbers from the members of the two leading political parties, and no appointments or dismissals shall be made by the principal keeper, nor approved by the board of inspectors by or through which there shall at any time be in the aggregate of deputies, assistants and other subordinate officers whose appointment is herein provided for (exclusive of the matron, assistant matrons and moral instructors), a greater number of members of one of the leading political parties than of the other. Present officers dismissed. Proviso. Proviso.

5. *And be it enacted*, That the terms, powers, duties and emoluments of the present board of inspectors of the state prison shall cease upon the approval or passage of this act, and all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately. Offices of present inspectors shall cease. Repealer.

Passed May 17, 1894.

## CHAPTER CCLXVI.

An Act to amend an act entitled "An act concerning legacies" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eight of the act above mentioned, to which this act is amendatory, be and the same hereby is amended to read as follows :

Legatees for a limited period shall give security.

8. *And be it enacted*, That whenever personal property is bequeathed to any person for life, or for a term of years, or for any other limited period, or upon a condition or any contingency, the executor or administrator cum testamento annexo shall not be compelled to pay or deliver the property so bequeathed to the person having any such life interest or other interest as aforesaid, until security shall be given to the orphans' court having jurisdiction of such executor's or administrator's accounts, in such sum and form as in the judgment of the said court shall sufficiently secure the interest of the person or persons entitled in remainder, whenever the same shall accrue or vest in possession ; but where the person or persons next immediately in remainder shall be the lineal descendant of any such life tenant, or person having any limited estate as aforesaid, and such executor or administrator shall not have filed any security, such life tenant or other person having such limited interest or estate as aforesaid shall not be required to give security in a greater sum than fifty thousand dollars ; *provided, however*, in every case where the executor or administrator is the person to whom any such life interest or other interest as aforesaid is bequeathed, then such executor or administrator, before receiving into his possession such personal property, unless by the will it is or may be provided that no security shall be required of such executor, shall file with the surrogate of the county in which the will shall be or has been proved or letters granted, a bond to the ordinary of this state, in double the amount of money or the value of

Amount of security limited in certain cases.

Provido.

the property to be received, with two sufficient sureties, to be approved by the orphans' court, conditioned for the faithful conservation of said property, and until such a bond shall be filed it shall not be lawful for such executor or administrator to receive such money or personal property, but the orphans' court may, upon petition presented by any person in interest, and upon ten days' notice in writing to such executor or administrator, appoint some other fit person to receive and administer such property as trustee, upon such security being given for the faithful discharge of his duties as to the said court shall seem proper.

2. *And be it enacted*, That the aforesaid provisions of this act shall be held to apply as well to all cases where any will has already been proved as where it shall be proved; <sup>Act to apply to cases where in will has already been proved.</sup> *provided, however*, that any such executor has not already received such personal property in his possession.

3. *And be it enacted*, That all acts and parts of acts, general, special or local, inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately. <sup>Repealer.</sup>

Approved May 17, 1894.

## CHAPTER CCLXVII.

A Further Supplement to an act entitled "An act to regulate elections" [Revision], approved April eighteenth, one thousand eight hundred and seventy-six.

Contested elections shall be tried by court without jury.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all cases of contested election for any county, township or city office heretofore brought or hereafter to be brought in any circuit court under the provisions of the act to which this is a supplement, shall be tried by such court without jury, and not otherwise.

Act repealed.

2. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," which supplement was approved March second, one thousand eight hundred and ninety-one, be and the same hereby is repealed.<sup>3</sup>

Act repealed.

3. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," which supplement was approved March nineteenth, one thousand eight hundred and ninety-one, be and the same hereby is repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCLXVIII.

A Supplement to an act entitled "An act to amend an act entitled 'An act regulating proceedings in criminal cases,' approved March twenty seventh, one thousand eight hundred and seventy-four," which supplement was approved March first, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of said supplement, which is in these words:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section sixty-seven of the act entitled 'An act regulating proceedings in criminal cases,' approved March twenty seventh, one thousand eight hundred and seventy-four, which is in these words, namely:

"67. *And be it enacted*, That the court before whom any person shall be tried upon indictment is hereby authorized and required to assign to such person, if not of the ability to procure counsel, such counsel, not exceeding two, as he or she shall desire, to whom such counsel shall have free access at all reasonable hours," be and the same is hereby amended so as to read as follows:

67. *And be it enacted*, That the court before whom any person shall be tried upon indictment is hereby authorized and required to assign to such person, if not of ability to procure counsel, such counsel, not exceeding two, to whom such counsel shall have free access at all reasonable hours; and for services rendered by counsel so assigned, in cases of homicide, a reasonable compensation may be fixed and allowed by the presiding judge of the court before which such trial shall be had, and that the sum so fixed and allowed shall be paid by the collector of the county wherein such indictment is found, upon presentation of the certificate of the presiding judge of said court, fixing and allowing such compensation.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCLXIX.

A Supplement to an act entitled "An act relative to the government and management of the insane asylums or hospitals owned by the state of New Jersey," approved March eleventh, one thousand eight hundred and ninety-three.

Law judge  
shall have con-  
current power  
to order re-  
moval of pris-  
oner to asylum

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the law or president judge of the court of common pleas of any county in this state shall have concurrent power and authority with the judge of the circuit court in his county to order the removal of any person confined under indictment or other process, or any person charged with misdemeanor and acquitted on the ground of insanity, to one of said hospitals, and that the same proceedings shall be had thereon before the said law or president judge as are now required to be had before the judge of the circuit court.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.



## CHAPTER CCLXX.

An Act concerning the tenure of office of city assessor in cities of the third class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of office of the city <sup>Term of city assessor.</sup> assessor or other officer charged with the assessment of taxes in any city of the third class shall be three years.

2. *And be it enacted*, That all acts and parts of acts, <sup>Repealer.</sup> either general or special, inconsistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCLXXI.

A Supplement to an act entitled "A general act concerning taxes, approved March nineteenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state board of taxation shall hereafter consist of four members; that in addition to the three members who now constitute the state board of taxation, the governor shall appoint, by and with the advice and consent of the senate, a fourth person not of the same political party as those now constituting the state board of taxation or a majority of them; the term of office of the member to be appointed under this act shall commence on the first day of June next, and shall be for a period of five years; said member shall be a citizen of this state, and he shall before entering upon his duties as a member of the state board of <sup>State board shall be non-partisan.</sup>

New member  
shall file oath.

taxation file with the secretary of state an oath taken before a justice of the supreme court, that he will faithfully discharge the duties of his office; the members of said board shall receive an annual salary of two thousand dollars.

2. *And be it enacted*, That at the expiration of the terms of office of the members who now constitute the state board of taxation and thereafter, no more than two persons of the same political party shall be appointed members of the state board of taxation.

Board may in-  
crease assess-  
ments.

3. *And be it enacted*, That when the said board has reason to believe from information or otherwise that any property has been assessed at a rate lower than is consistent with the purpose of securing uniform and true valuation of property for the purpose of taxation the said board shall have the power after due investigation to increase the assessment made upon such property; and if for this purpose it becomes necessary to direct an assessor or other taxing officer to make a re-assessment of such property according to the rules which the said board shall establish, it shall do so; and if such assessor or other taxing officer shall fail or refuse to comply with the order so given, the board shall have power to appoint some other person to make the new assessment under the direction of the board; and the assessment so made and affirmed by the board shall be and be deemed to be the assessment of such property for the year.

May establish  
rules therefor.

If assessor  
fails to make  
new assess-  
ment board  
may appoint  
person to do so.

Repealer.

4. *And be it enacted*, That all acts and parts of acts, general and special, inconsistent herewith or repugnant hereto or any of the provisions thereof, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER COLXXII.

An Act to amend an act entitled "A supplement to an act entitled 'An act to provide for sewerage and drainage in incorporated townships in which there is a public water-supply,' approved April fourteenth, one thousand eight hundred and ninety," which supplement was approved March twenty-fifth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of said supplement shall be amended so as to read as follows: Section amended.

2. *And be it enacted*, That the township committee may by resolution provide that any assessment for either direct or prospective benefit, which have been made and confirmed under the provisions of the act of which this is a supplement, need not be paid in one payment as required under the provisions of said act, but that the same may be paid in equal annual installments, with interest at six per centum per annum thereon; *provided*, that no annual installment is less than one-tenth of the whole amount of an assessment on any piece or parcel of land assessed; *provided, also*, that the first annual installment shall become due and payable within thirty days after the confirmation of the assessment as provided for in the act of which this is a supplement; and in case said installment shall remain unpaid at the expiration of thirty days after the first publication of the notice of the assessment as required in the act to which this is a supplement, the said installments shall draw interest thereupon from and after that time at the rate of one per centum per month; and the said board of township committee or other governing body of such township shall have the same remedies and rights to enforce the payment of such installment as they have to enforce the collection of taxes in such townships and by like proceedings; *provided*, that nothing in this act shall prevent payment of the whole assessment or any outstanding balance Township committee may provide for payment of assessments by instalments

Proviso.

Proviso.

Governing body may enforce payments

Proviso.

Proviso.

of the installment on any particular lot or parcel of land ; *and provided, further,* that the provisions of this supplement shall apply only to counties of the first and second class in this state.

3. *And be it enacted,* That this act shall take effect immediately.

Approved May 17, 1894.

### CHAPTER CCLXXIII.

A Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Money, &c., obtained with fraudulent intent upon promise to procure employment, &c., a misdemeanor.

Penalty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whosoever shall obtain from another, with intent to cheat and defraud him or her, money or anything of value upon a promise or agreement to procure or to endeavor to procure for such person employment or a loan of money or anything of value, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment at hard labor for any term not exceeding five years, or by a fine not exceeding one thousand dollars, or both.

2. *And be it enacted,* That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCLXXV.

An Act concerning city hospitals, and providing for their enlargement reconstruction and repair.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, in the judgment of the municipal board or body having charge of any hospital established in any city of this state, under an act of the legislature of this state entitled "An act authorizing the establishment of hospitals in the cities of this state," approved February twenty-third, one thousand eight hundred and eighty-three, and the various supplements thereto, the buildings and property devoted to the use of such hospital shall be deemed to be unsanitary, improper or inadequate, and such facts shall be certified to the common council or other governing body of such city by the secretary or clerk of such board or body, pursuant to a resolution duly passed by such board, it shall be lawful for the common council or other governing body of such city to repair, reconstruct or otherwise improve such hospital or hospitals and cause the same to be put in thorough sanitary condition and in proper order and repair, and to make such improvements therein and such additions thereto as may be necessary to provide proper accommodation for hospital purposes in such city; *provided, however*, that it shall not be mandatory upon such common council or other governing body to make such improvement, reconstruction and repair unless, in the judgment of such governing body, the work required is necessary, and the finances of the city will permit the same to be done.

Governing  
body of city  
may repair,  
improve, &c.

Proviso.

2. *And be it enacted*, That any such city by and through their common council or other governing body, may from time to time, or at once, as may be deemed most advantageous, upon the credit of such city, borrow the money necessary for the purpose of carrying into effect the provisions of this act, and may issue the bonds of such city in any sum not exceeding three hundred thousand dollars, and may negotiate and sell the same at any sum not less than

May borrow  
money to pay  
for same.

May issue  
bonds.

Character of  
bonds.

par, and use the proceeds for the purposes of making the reconstruction, repair and improvement of hospitals, as in this act provided ; all such bonds shall be made payable in not less than twenty nor more than thirty years, and may be registered or coupon bonds, or may be registered and coupon bonds combined ; such bonds shall draw interest at a rate not greater than four per centum per annum, which shall be payable semi-annually, and shall otherwise be of such form and payable at such time and place as the common council or other governing body may by ordinance provide.

Shall provide  
sinking fund.

3. *And be it enacted*, That it shall be the duty of the common council or other governing body of such city, in case any bonds are issued under the provisions of this act, to provide a sinking fund of not less than two per centum on the principal of the said bonds, which shall be paid to the commissioners of the sinking fund for the redemption of the said bonds annually, and such amount, together with the amount required for the interest due thereon, shall be annually raised in the tax levy of such city to provide for the payment of interest and the principal of the said bonds, when they shall fall due.

May issue tem-  
porary loan  
certificates.

4. *And be it enacted*, That when, in the judgment of the common council or other governing body, the improvements authorized by this act shall be ordered, it shall be lawful for the common council to provide the money necessary to complete the said work within the limits herein provided by the issue of temporary loan certificates, or bonds, all of which, however, when the work shall be completed, shall be paid and retired, and the permanent bonds authorized by this act shall be issued.

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCLXXVI.

An Act to provide for the appointment of a state commissioner of public roads, and to define his duties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there is hereby created and established in and for the state of New Jersey the office of a state commissioner of public roads, which office shall be filled by some suitable person nominated by the governor and confirmed by the senate, who shall have his office at the state house, and who shall hold his office for the term of three years from the date of his appointment and until his successor is appointed and confirmed.

Governor with consent of senate shall appoint.

Term of office.

2. *And be it enacted*, That it shall be the duty of the said state commissioner of public roads to perform all the duties with respect to the public roads of this state which are now by law imposed upon the president of the state board of agriculture, and to collect such data with respect to the construction of permanently improved roads as he may think will subserve the interests of the public, and to report to each legislature what roads were constructed with state aid for the year ending on the next preceding thirty-first day of December, and the amount of their cost, and, in general, the operations of his office for such year.

Duties of commissioner.

3. *And be it enacted*, That the said state commissioner of public roads shall be entitled to receive five dollars per day and actual expenses when engaged in the duties imposed by this bill, payable monthly by the treasurer of this state out of any moneys in the treasury not otherwise appropriated, upon the receipt of the vouchers of the said state commissioner of public roads, when approved by the governor.

Compensation when on duty.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCLXXVII.

- A Further Supplement to an act entitled "An act to provide for the more permanent improvement of the public roads of this state," approved April fourteenth, one thousand eight hundred and nine-one.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, as amended by the supplement thereto approved March twenty-ninth, one thousand eight hundred and ninety-two, be and the same is hereby amended to read as follows :

Chosen free-  
holders shall  
cause surveys  
and specifica-  
tions to be  
made.

Character of  
specifications,  
&c.

When ap-  
proved chosen  
freeholders  
shall advertise  
for bids.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of chosen freeholders of any county in this state shall, by resolution, have declared their intention to cause any particular road or section thereof within such county to be improved under the provisions of this act, such board shall cause all necessary surveys to be made and specifications to be prepared ; the specifications shall require the construction of a macadamized road, or a telford or other stone road, that will, at all seasons of the year be firm, smooth and convenient for travel ; shall be so prepared as to call for bids from which an approximate estimate of the cost can be ascertained, and shall state the amount of security that will be required of the bidder ; after said specifications shall have been prepared they shall be submitted to the board of chosen freeholders, and if such board shall approve them they shall then be submitted to the state commissioner of public roads, and if he shall approve them it shall be the duty of the director of the board of chosen freeholders to advertise in at least two daily newspapers, printed and circulated in the county, for the period of two weeks, or if there be not two daily newspapers printed and circulating in such county, then in at least two weekly newspapers printed and circulating therein, for at least four weeks, for bids to do the work according to the specifications prepared ; such



advertisements shall state where bidders may find the specifications, and shall name a time and place where the board of chosen freeholders, or a committee of five members thereof, of whom the director shall be one, will meet to receive bids; every such bid shall be accompanied with the bidder's bond in a sum of one thousand dollars, with security satisfactory to the board, conditioned that if the contract shall be awarded to him he will, when required by the board, execute an agreement in writing to perform the work according to the specifications; no bids shall be received by the board or any member thereof, or by said committee or any member thereof, except at such meeting, and all bids then received shall be immediately publicly read; if the bids shall be received by a committee of the board, they shall be reported to the board at the next meeting thereof, with the recommendation of the committee; the board may reject all bids if, in their opinion, good cause exist therefor, but, otherwise, they shall award the contract to the lowest bidder who shall give satisfactory evidence of his ability to perform the contract; *provided, however,* that the estimated amount of contracts awarded in any one year by any board of chosen freeholders shall not exceed one half of one per centum of the ratables of the county as reported to the state comptroller for the last preceding year; the bidder to whom the contract may be awarded shall, in addition to executing the agreement to perform the work according to the specifications, also execute to the board of chosen freeholders a bond conditioned for the faithful performance of the contract in the sum specified in the advertisement for bids, and with such sureties as the board may approve; the contract shall, on behalf of the board of chosen freeholders, be executed by the director thereof, and when executed by the bidder and said director, a copy of the contract, with the estimated cost of the work, shall be forthwith filed with the state commissioner of public roads.

What advertisement shall state.

Bids shall be accompanied with security,

And shall be publicly read.

Board may reject all bids.

Proviso.

Contractor shall give bond.

Contract shall be filed.

2. *And be it enacted,* That the second section of said act, as amended by the supplement thereto approved March twenty-ninth, one thousand eight hundred and ninety-two, be and the same is hereby amended to read as follows:

Section amended.

2. *And be it enacted,* That after a copy of the contract shall be filed with the state commissioner of public roads as aforesaid, the state commissioner of public roads shall, as

State commission shall appoint supervisor.

- soon as practicable, appoint a supervisor of the construction of the work under such contract, who shall receive for his services under this act three dollars per day, to be paid out of the county treasury ; if the work for which such contract shall be made shall have been petitioned for, pursuant to the provisions of the seventh section of this act, then if the petitioners therefor, or any of them, shall in writing nominate to the said state commissioner of public roads one or more persons for the position of such supervisor, it shall be the duty of said state commissioner of public roads, if only one nomination be made, to appoint, as such supervisor, the person so nominated, and if more than one nomination be made, to appoint, as such supervisor, one of the persons so nominated, and if no such nomination be made the said state commissioner of public roads shall then appoint, as such supervisor, any person whom he may consider competent for such position ; such supervisor shall supervise all work done under the contract, shall give his whole time thereto, shall require the provisions of the contract to be strictly adhered to by the contractor, and when the contract provides for partial payments during the progress of the work shall, as each payment becomes due and before payment shall be made, present to the board his certificate and also the certificate of the surveyor or engineer, if any there be, stating as near as may be the total amount of work done, and that such work has been done in all respects as required by the contract ; the board shall thereupon direct payment to be made by the county collector ; *provided*, that no partial payment made during the progress of the work shall exceed eighty per centum of the estimated value of the work done ; the board shall have power to borrow on temporary loans on the credit of the county such sums of money for the purpose of carrying on such work as may from time to time become necessary ; and when the work shall be fully completed and such facts certified to the board, and to their satisfaction, by the supervisor and surveyor or engineer, if any there be, payment in full shall be made ; *provided, further*, this section shall not apply to any road now under contract.
3. *And be it enacted*, That the third section of said act, as amended by the supplement thereto approved March twenty-ninth, one thousand eight hundred and ninety-two, be and the same is hereby amended to read as follows :
- Salary of.**
- When petitioners may nominate supervisor**
- Duties of supervisor.**
- Proviso.**
- Board may borrow money**
- Proviso.**
- Section amended.**

3. *And be it enacted*, That when the work under any contract shall be fully completed, it shall be the duty of the supervisor to prepare a detailed and itemized statement, in duplicate, of the cost of the improvement, one copy whereof shall be filed with the board of chosen freeholders, and one with the state commissioner of public roads. Supervisor shall prepare duplicate statement of cost and file same.

4. *And be it enacted*, That the fourth section of said act as amended by the supplement thereto approved March twenty-ninth, one thousand eight hundred and ninety-two, be and the same is hereby amended to read as follows. Section amended.

4. *And be it enacted*, That one-third of the cost of all roads constructed in this state under this act shall be paid for out of the state treasury; *provided*, that the amount so paid shall not in any one year exceed the sum of seventy-five thousand dollars; if one-third of said cost shall exceed said sum, the said seventy-five thousand dollars shall be apportioned by the governor and the state commissioner of public roads amongst the counties of the state in proportion to the cost of roads constructed therein for such year, as shown by the statements of costs filed in the office of the state commissioner of public roads; the governor and said state commissioner of public roads shall, between December fifteenth and thirty-first in each year, certify to the state comptroller the amount to be paid to each county for such year, and the state comptroller shall thereupon draw his warrants in favor of the respective county collectors for the sums certified as aforesaid upon the state treasurer, who shall pay the same out of any moneys in the state treasury not otherwise appropriated. State shall pay one-third of cost. Proviso.

5. *And be it enacted*, That the seventh section of said act, as amended by the supplement thereto approved March twenty-ninth, one thousand eight hundred and ninety-two, be and the same is hereby amended to read as follows: Section amended.

7. *And be it enacted*, That whenever there shall be presented to the board of chosen freeholders of any county a petition signed by the owners of at least two-thirds of the lands and real estate fronting or bordering on any public road or section of road in such county, not being less than one mile in length, praying the board to cause such road or section to be improved under this act, and setting forth that they are willing that the peculiar benefits conferred on the lands fronting or bordering on said road or section shall be assessed thereon in proportion to the benefits conferred, to On petition section of road may be improved.

Proviso.

an amount not exceeding ten per centum of the entire cost of the improvement, it shall be the duty of the board to cause such improvement to be made; *provided*, that the estimated cost of all improvements made under this act in any county in any one year shall not exceed one-half of one per centum of the ratables of such county for the last preceding year; it shall not be necessary for the board in such case to declare by resolution their intention to cause such improvement to be made, but they shall forthwith cause a'l necessary surveys of such road or section to be made, and specifications for a macadam, telford or other equally good stone road to be prepared, and shall then proceed in the same manner as is hereinbefore required in cases where such intention has been declared; if the specifications shall not be approved by the board, or by the state commissioner of public roads, or if all the bids for the work shall be rejected, it shall be the duty of the board to cause other specifications to be prepared, or re-advertisements for bids to be made, as often as may be necessary, and until a contract shall be awarded, to the end that the improvement prayed for may be completed with reasonable speed; *provided, however*, that no re-advertisement need be made where the lowest bid submitted shows that the improvement prayed for cannot be made within the limit of expenditure hereinafter mentioned; in every case where a contract shall be awarded after the presentation of such petition as aforesaid the board of chosen freeholders, instead of certifying to the county board of assessors two-thirds of the estimated cost of the work as prescribed by the fifth section of this act, shall certify two-thirds of said estimated cost, less one-tenth of said estimated cost, which sum the county board of assessors shall include in their assessment of county taxes.

Proviso.

Section  
repealed.

6. *And be it enacted*, That the sixth section of the aforesaid supplement approved March twenty-ninth, one thousand eight hundred and ninety-two, be and the same is hereby repealed.

7. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCLXXVIII.

A Supplement to an act entitled "An act relative to the government and management of the insane asylums or hospitals owned by the state of New Jersey," approved March eleventh, one thousand eight hundred and ninety-three.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section two of the said act entitled "An act relative to the government and management of the insane asylums or hospitals owned by the state of New Jersey," approved March eleventh, one thousand eight hundred and ninety-three, be and the same is hereby amended so that hereafter said section two shall be and read as follows, namely:

2. *And be it enacted*, That the general management and control of both of said hospitals shall hereafter be vested in one state board of managers, to be known and designated as "the board of managers of the state hospitals;" said board shall consist of eight persons, no more than four of whom shall belong to the same political party; they shall be appointed by the governor by and with the advice and consent of the senate, and shall respectively hold office for the period of five years and until their successors are qualified; any vacancy occurring in the said board shall be filled for the unexpired term only.

2. *And be it enacted*, That the term of office of each and every member of the board of managers of said hospitals now in office shall cease and terminate on the appointment and confirmation of their successors, pursuant to section one hereof.

3. *And be it enacted*, That thirty days after the first meeting of the said board of managers appointed under this act, the terms, duties, employment and emoluments of the persons whose appointment or employment is now vested in the said board of managers, or in any other person or persons under the act to which this is a supplement shall cease and determine; *provided, however*, that noth-

Section amended.

Boards of managers consolidated.

Shall be non-partisan.

Governor with consent of senate shall appoint.

Term of present board shall cease.

Terms, &c., of officers shall cease.

Proviso.

ing herein contained shall prevent the re-appointment or re-employment under this act of suitable persons.

Section  
repealed.

4. *And be it enacted*, That section three of the said act entitled "An act relative to the government and management of the insane asylums or hospitals owned by the state of New Jersey," approved March eleventh, one thousand eight hundred and ninety-three, and all other acts and parts of acts inconsistent herewith or repugnant hereto, be and the same are hereby repealed.

Duty of man-  
agers.

5. *And be it enacted*, That it shall be the duty of the said board of managers to visit each county lunatic asylum in the state at least once in each year, and to inspect such institutions and their management, and to make, in their annual report, such recommendations as they shall deem necessary concerning such local institutions.

6. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCLXXIX.

Supplement to the act entitled "An act constituting district courts in certain cities in this state," approved March ninth, one thousand eight hundred and seventy-seven.

When appellee  
may apply for  
dismissal of  
appeal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of any appeal from any judgment rendered in any district court, the appellee may apply to said court to dismiss said appeal, for the reason that the appeal bond filed on appeal from said judgment is in any respect defective, or because proper evidence of the sufficiency thereof has not been filed in said court, and, thereupon, it shall be the duty of the judge of said court to examine into the question of the form, execution and sufficiency of said bond and of the evidence thereof, and if he shall determine that said bond is defective or insufficient, he shall make an order directing the appellant to

file a new appeal bond within five days from the date of said order, and upon failure to file another bond pursuant to said order, the judge may dismiss said appeal; *provided*, Proviso. that at the time of making said application the transcript of said cause shall not have been sent to the court of common pleas.

2. *And be it enacted*, That the court of common pleas may permit the appellant to substitute a new appeal bond in the place of the appeal bond filed and sent up by any district court; *provided*, that no delay in the trial of the said appeal shall be occasioned thereby. New board may be substituted. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCLXXX.

An Amendment to an act entitled "An act concerning ward and district lines in the cities of this state," approved April twenty-fifth, one thousand eight hundred and ninety-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is a supplement be amended so as to read as follows: Section amended.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved May 17, 1894.

## CHAPTER CCLXXXI.

A Further Supplement to an act entitled "An act for the better enforcement in Maurice river cove and Delaware bay of an act entitled 'An act for the preservation of clams and oysters,' approved April fourteenth, one thousand eight hundred and forty-six," and of the supplements thereto.

Executive committee shall meet and hear complaints.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the executive committee of the Maurice river cove and Delaware bay oyster association shall meet on the first Saturday of each and every month, at the office of the collector of the oyster fund, in the village of Port Norris, Cumberland county, at ten o'clock in the forenoon, and continue in session until twelve o'clock noon of the same day, and longer if necessary, for the purpose of hearing such complaints as to violations of the provisions of the oyster laws of this state, as they are authorized to hear by virtue of the provisions of the act to which this is a supplement and of the various supplements thereto, and also for the purpose of auditing the bills and accounts of the special officer of said association, and of other persons having lawful charges against said association.

Collector shall not pay bills unless they are approved.

2. *And be it enacted*, That the collector of said oyster fund shall not hereafter pay out any of the funds of said association unless the bill or account for the same shall have been first presented, under oath, to the said executive committee and approved and ordered paid by them, and such approval be certified thereon by the chairman of said executive committee.

Compensation of committee.

3. *And be it enacted*, That said executive committee shall be entitled to receive as compensation for their services not exceeding five dollars per day for each member, for each meeting of said committee which he shall attend, and that said committee shall be and they are hereby authorized to use and expend the moneys of said association, now in the hands of the collector of said oyster fund and such moneys

Committee authorized to expend money.



as may hereafter come to his hands, for such purposes as will in their judgment promote the interests of the greater number of persons lawfully engaged in the catching, planting and growing of oysters in said Delaware bay and Maurice river cove; *provided*, that no such expenditure shall be made except by a majority vote of the whole number of members of said executive committee, personally present and agreeing thereto. Proviso.

4. *And be it enacted*, That nothing in this act contained shall in any wise invalidate any action heretofore had or taken by said executive committee in good faith, nor shall they or the collector of said oyster fund be held accountable for or called upon to account for any moneys heretofore expended by them or him for the interest of said association or of a majority thereof, but all such expenditures of money are hereby validated; *provided, however*, the accounts of said collector have been audited, presented and published as required by the provisions of the act to which this is a supplement and the supplements thereto. Previous action shall not be invalidated. Proviso.

5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved May 17, 1894.

## CHAPTER CCLXXXII.

An Act to empower the town and township committees in counties of the third and second class to enter into a contract for public lighting for a term of years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for and the town or township committee of any incorporated town or township in any county of the third and second class are hereby empowered and authorized to make and enter into a contract or agreement with any gas, electric light or other company for one year, or for a term of years, for obtaining and furnishing lights and lighting either with gas, electricity or other illuminating body for lighting the public streets or public buildings of any such town or township; and any such contract or agreement, when so made, shall be the valid and lawful contract of any such township as well as of any such gas, electric light or other company, according to the tenor and effect thereof, and the sum or sums of money in such contract agreed to be paid in each year by any such town or township, or by the town or township committee thereof, shall be annually appropriated, levied, assessed and collected as a tax upon the real and personal estates within such town or township and subject to taxation for other municipal purposes in the same manner that other municipal taxes are assessed and collected, and the said real and personal estates are hereby made liable to and for the assessment and collection of such tax; *provided, however*, and it is hereby expressly enacted that no such agreement or contract shall be made for a longer period than three years in any one term.

2. *And be it enacted*, That it shall be lawful for and the town or township committee of any such town or township are hereby authorized and empowered to use any and all such sum or sums of money for carrying into effect the purposes of this act heretofore or hereafter appropriated by the legal voters of such town or township, at any annual town meeting, for said public lighting.

Town or township committee authorized to contract for.

Shall pay for same by tax levied for that purpose.

Proviso.

May use any money heretofore or hereafter appropriated.

3. *And be it enacted*, That all acts and parts of acts, public, special or local, inconsistent herewith, be and the same are hereby repealed, and this act shall be a public act and take effect immediately. Repealer.

Approved May 17, 1894.

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CHAPTER CCLXXXIII.

An Act to repeal an act entitled "An act in relation to warrants drawn to meet disbursements and expenditures made by boards in cities of the first class in this state in certain cases, and giving the common council or other governing body power in relation thereto," approved January thirty-first, one thousand eight hundred and ninety-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act in relation to warrants drawn to meet disbursements and expenditures made by boards in cities of the first class in this state in certain cases, and giving the common council or other governing body power in relation thereto," approved January thirty-first, one thousand eight hundred and ninety three, be and the same is hereby repealed, and that this act shall take effect immediately. Act repealed.

Approved May 17, 1894.

## CHAPTER CCLXXXIV.

An Act to promote the efficiency of fire departments in cities of the first class.

Grade of appointment limited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That appointments by the commissioners having control of the fire department in cities of the first class shall be to no higher grade than that of hoseman or a grade equivalent thereto in point of compensation.

Promotions shall be made from best record.

2. *And be it enacted*, That promotions in said department shall be made from among the members of the fire department having the best record for intelligence, efficiency, sobriety and bravery; but where the record is practically the same between two or more members, preference must be given to that member among said number who shall have served the longest time in service in the said department; *provided, however*, that nothing contained in the foregoing two sections shall forbid or prevent appointments or promotions to the position of chief or battalion chief in said department when made upon a unanimous vote of all of said commissioners.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCLXXXV.

AN ACT in relation to the payment of moneys by certain townships in this state appropriated for the support of public schools.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education, or other body having control of the public schools in townships of this state having a population, by the census of the United States taken in the year one thousand eight hundred and ninety, of ten thousand or more, or which may have such population by any census to be hereafter taken, shall have the expenditure of all moneys levied and raised, or appropriated or received from the state or any other source by any such townships for the support and maintenance of the public schools, or for the erection of public school buildings, and it shall be the duty of the township committee from time to time, upon the request of such board of education, to set apart moneys so received by them or lawfully levied by taxation, and hold the same subject to the order or warrant of such board of education or its duly authorized officers appointed for that purpose.

Board of education shall control expenditures.

School moneys shall be subject to their order.

2. *And be it enacted*, That it shall be the duty of the township committee to keep a separate account of all school moneys with such board of education, and credit such board in each year with the whole amount from time to time during the year as aforesaid of the money levied and ordered to be raised in each year by taxation for public schools; such moneys to be, by such township committee, as in the first section hereof is provided, appropriated to and used by said board of education for school purposes, or for the objects for which the same may be specially raised or appropriated, and the treasurer or receiver of taxes or other financial officer of the town shall receive, and shall hold such school moneys when received, from whatever source the same shall arise, in a separate account to the credit of such board of education, and such funds shall not be used by the said township committee or by said disbursing officer for

Township committee shall keep separate account of

Treasurer shall hold such moneys in separate fund.

any other purpose or in any other manner than to meet the drafts or warrants of such board of education when presented.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCLXXXVI.

An Act authorizing township committees in the state to provide by ordinance for the appointment of a building inspector and to define his duties and powers.

Township committee of certain townships may appoint inspector.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any township committee of any township in this state, having within its territorial limits a population of not less than two thousand inhabitants to the square mile, to provide by ordinance for the creation of, and the appointment of a person to, the office of building inspector, and to define in said ordinance his duties and powers, and generally to direct the manner of carrying out of such duties and the enforcement of the authority conferred upon such officer by said ordinance.

May provide penalty for violation of ordinances.

2. *And be it enacted*. That it shall be lawful to fix in such ordinance the penalty or penalties for the violation of any provisions of the same, by any person or persons or corporation, and the method of enforcing the same, which penalty so fixed shall in no case exceed one hundred dollars for any specific violation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCLXXXVII.

**An Act concerning the sale of lands and real estate in fee where the same have been purchased by the mayor and council of boroughs incorporated under the act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, for taxes or assessments.**

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the mayor and council of boroughs incorporated under the act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, and the supplements thereto, after the lapse of six months from the date of record of any certificate of sale of lands and real estate to said borough for unpaid taxes or assessments of any kind, name or nature, to present to the circuit court of the county within which said borough is situate a petition or petitions setting forth the date of sale, the name of the owner under which said tax or assessment was made, a description of the lands so purchased, the date of record of the certificate, the amount for which purchased and any and all subsequent accumulation of taxes and assessments of any kind, name or nature, and which petition shall also set forth the name and residence, if known, of all lienors upon the property so described in said petition since the date of assessment or levy; and that thereupon the said court shall grant an order to show cause, returnable at such time and place as may be fixed and determined therein, to be served upon the owner and lienors in such manner as the said order shall direct, requiring the owner or owners of said lands and lienors to show cause at the time and place in said order to show cause named why the said lands and premises should not be sold in fee.

Proceedings to obtain order to show cause why lands sold for taxes should not be sold in fee.

2. *And be it enacted*, That upon the return of said order with due proof of service in the manner therein set forth the court shall, or upon any adjourned day thereof, if no good

Court may direct sale to be made.

Proviso.

Proviso.

Collector shall  
deliver certifi-  
cate, which  
shall covenant  
&c.

Collector shall  
execute and  
deliver deed.

cause to the contrary be shown, direct that said lands and premises be sold in fee at public auction, at a time to be fixed and at a place within said borough designated, which time shall not be less than four weeks from the date of said order, and said order shall provide what notice shall be given of said sale and the manner of service thereof upon the owners and lienors; and said order shall direct that the collector of taxes of the borough shall make such sale to the highest bidder; *provided*, that the said lands and premises shall not be sold for less than the taxes and assessments, or both, that shall be then a lien upon said lands and premises, and that the said sale shall be held between the hours of nine o'clock in the forenoon and four o'clock in the afternoon; and *provided further*, that the advertisement above referred to shall be published at least once a week for four weeks prior to said sale in two newspapers, if any, printed and published within the said borough.

3. *And be it enacted*, That the said collector shall, on receipt of the purchase-money on any sale, execute and deliver to the purchaser a certificate of such sale, which shall contain a covenant on the part of the borough to refund the amount paid for said lands in cash, without interest, in case the title conveyed by said sale shall prove invalid, upon the surrender of said certificate of sale and proof of the service of the notice thereof as hereinbefore provided upon the owner and lienors of said lands.

4. *And be it enacted*, That in case said lands and premises shall not be redeemed within one year from the date of service of notice upon said owners and lienors, or their personal representatives, the said collector of taxes shall execute and deliver to the purchaser at said sale, his heirs, devisees or assigns, a deed for said lands and premises, which deed shall be signed, sealed and acknowledged in the usual manner of deeds or conveyances of real estate, and such purchaser, his heirs, legal representatives and assigns, shall take a good and sufficient title to the said premises so sold in fee simple, absolutely free from all incumbrances, except such taxes, assessments and other governmental impositions as may have been levied after the confirmation of said sale, and which said deed shall be presumptive evidence in all courts and places, and in any proceedings and actions by said purchasers, his heirs, legal representatives or assigns, taken, prosecuted or defended for the recovery



of the property so sold as aforesaid, or in the establishment or defense of his or their title, shown as aforesaid by such deed, and the said title shall not fail or be defeated by reason of any informality in the proceedings had or taken under this act, upon which the sale shall have been made or the title conveyed as aforesaid, or by reason of any illegality in the assessment of such tax or assessment or other lien in any way whatsoever, provided only that the property so sold shall, at the time such tax, assessment or lien is so levied or imposed, be liable to the imposition of the tax, assessment or lien in respect to which such tax, assessment or lien was imposed or fixed.

Title shall not fail because of informality, &c.

5. *And be it enacted*, That the borough may become a purchaser of said lands in the same manner as an individual and receive a deed therefor, and that after the receipt of said deed the lands may be sold to any person or persons by a good and sufficient deed on such terms as may be agreed upon, with or without warranty; *provided*, if sold at private sale the price shall not be less than the amount due the borough thereon and interest when purchased.

Borough may become purchaser.

Proviso.

6. *And be it enacted*, That proof of the publication and service of the notice hereinbefore referred to shall be filed in the office of the borough clerk within one month after the date of such service, and such affidavits or proofs shall be prima facie evidence in all courts and places of the facts therein stated, and the purchaser shall be entitled to possession of said lands immediately upon giving such notice to the owner thereof, in case the same are unoccupied, and his residence or post-office address be known, and if not known and cannot be ascertained, then upon filing proof of inquiry as to his residence, such purchaser shall be entitled to take immediate possession, and if occupied, then within thirty days thereafter; and such purchaser shall have the same remedy by writ of assistance or otherwise in the circuit court of the county wherein such lands are situate, or in the court of chancery, for the recovery of the possession of said lands as the purchaser of mortgaged premises at a foreclosure sale is now or may hereafter be entitled to by any law or practice of this state.

Proof of publication and service of notice shall be filed.

Purchaser may take immediate possession.

7. *And be it enacted*, That it shall not be necessary to set out the proceedings under this act at length in the deed for the lands so sold, but a general statement of the proceedings taken under the authority of this act shall be sufficient.

General statement in deed sufficient.

Court may  
alter or amend  
description.

8. *And be it enacted*, That the said court shall have power to amend or alter in any way the description of the lands and premises affected by this act, to the end that the same may be made definite and certain, and for that purpose may take proofs to show the lands intended, so that a proper description may be made of the lands sold under and by virtue of the provisions of this act.

Party applying  
to set aside  
proceedings  
shall give bond  
&c.

9. *And be it enacted*, That no writ of certiorari shall be allowed to contest or set aside any of the proceedings under this act, unless the party applying for such writ shall give bond with approved securities, conditioned for the payment of so much of said tax, assessment or lien as shall be ascertained, in such manner as said court shall direct, to be justly due and payable, with interest and costs, nor unless the application therefor be made within three months after the sale under this act.

All moneys re-  
ceived shall be  
deposited with  
collector.

10. *And be it enacted*, That all moneys received upon sales in pursuance of the provisions of this act shall be deposited with the borough collector, and the surplus, if any, remaining in any case after deducting the amount of the tax, assessment and lien, and interest and expenses of sale and disbursements allowed by any order or judgment under which said sale shall have been made, shall be held for the use of and paid over to the person or persons legally entitled thereto, upon the establishment of his, her or their right to the same; *provided*, that interest thereon shall not be recoverable from the borough for the use of any such surplus moneys.

Surplus shall  
be held for per-  
son legally en-  
titled.

Proviso.

Repealer.

11. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCLXXXVIII.

**An Act to protect the planting and cultivating of oysters in the tide-waters of this state.**

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey.* That any person or persons, citizens of this state, now or hereafter holding, using or occupying any grounds lying under the tide-waters of this state for the planting or cultivating of oysters thereon, said grounds not now known and recognized as natural oyster seed beds, from which there is now gathered seed or young oysters for planting purposes, shall be and hereby are confirmed in their holding or right to use such grounds for the purpose of planting and cultivating of oysters, and the oysters planted and growing thereon shall be the personal property of the person or persons holding, using or occupying the grounds as aforesaid; *provided*, the said grounds shall have been marked by proper stakes, buoys or suitable monuments, and oysters shall have been actually planted upon the grounds so marked off.

Persons occupying grounds shall be confirmed in their holding.

Proviso.

2. *And be it enacted*, That upon the grounds now or hereafter held, used or occupied as aforesaid, the person or persons holding, using or occupying the same may plant, cultivate and gather oysters; they may shell said grounds and gather the oysters that may grow thereon, and all oysters on said grounds shall be deemed and taken to be their personal property; and every person or persons who shall gather, catch or take oysters or shells from any lot of ground held, used or occupied as aforesaid, without the permission of the person or persons holding, using or occupying the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not greater than one hundred dollars, or be confined in the county jail for a period not exceeding six months, or both, at the discretion of the court.

Oysters grown thereon to be regarded as private property.

Penalty for unauthorized taking.

3. *And be it enacted*, That it shall be unlawful for any person, without the permission of the person or persons holding, using or occupying the grounds now or hereafter

Unlawful to take oysters with rakes, dredges, &c.

Constable or officer may seize boats and appliances.

Justice of peace shall try and determine case.

And may order boats, &c., sold and money applied.

Grounds used for clamming shall not be used for oysters.

Stakes shall be yielding, &c.

Persons using natural beds shall be deemed trespassers and shall forfeit plants.

held, used or occupied as aforesaid to work from boats or otherwise with rakes, dredges or other appliances upon any of said grounds, and thereby to injure, disturb or remove the oysters planted and growing hereon; and it shall be the duty of any constable or duly appointed special officer, and lawful for any other person, to seize and secure any boat, rake, dredge or other appliance used in violation of this law and immediately give information thereof to any justice of the peace of the county wherein such seizure is made, who is hereby empowered and required to hear, try and determine whether such boat, rake, dredge or other appliance so seized was used in violation of this law; the said justice shall appoint a time and place of trial and cause reasonable notice thereof to be given to the person who was in possession of the property seized and the owner thereof, if they can be found; and shall, at the time and place appointed, determine whether the boat, rake, dredge or other appliance seized was used in violation of this law, and if found to have been so used shall order the same to be sold in such manner as the said justice shall direct; and the avails thereof, after deducting all proper and reasonable costs and charges which said justice may tax and allow, shall be paid one-half to the person or persons making the seizure and one-half to the treasurer of the state for the use of the state.

4. *And be it enacted*, That no grounds now used and set apart for clamming purposes in said state shall be occupied and used for the purpose of planting or cultivating oysters.

5. *And be it enacted*, That all stakes used for the purpose aforesaid shall be elastic and yielding, and shall not impede navigation nor interfere with the drawing of seines in any place now established and customarily used for seine fishing.

6. *And be it enacted*, That any person or persons who shall plant oysters upon any of the natural oyster beds lying under the waters aforesaid, now known and recognized as natural oyster beds, and from which there is now gathered seed or young oysters for planting purposes, shall be deemed trespassers, and such planted oysters shall be forfeited to the public, who shall have the right and privilege of going upon said beds and taking said planted oysters and converting the same to their own use at any time when it is now lawful to take oysters from said natural beds.

7. *And be it enacted*, That nothing in this act contained shall give any person or persons the right or title to any of said lands as against the state, and the state may at any time alter or repeal this law, or the riparian commissioners may make grants, the same as if this act had not been passed. Title shall not run against state.

8. *And be it enacted*, That none of the provisions of this act shall apply to the waters or bottoms of Delaware bay and Maurice river cove. Act shall not apply to Delaware bay or Maurice river cove.

9. *And be it enacted*, That this act shall and is hereby declared to be a public act, and shall take effect immediately; and all acts and parts of acts inconsistent herewith shall be and hereby are repealed. Repealer.

Approved May 17, 1894.

## CHAPTER CCLXXXIX.

A Supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That no person in this state shall sell or offer for sale any baled hay or straw with more than ten pounds of wood to the bale, the weight of which is two hundred pounds or upwards, or more than five pounds of wood on bales weighing less than two hundred pounds. Weight of wood and baled hay prescribed.

2. *And be it enacted*, That the gross weight of all hay and straw sold or offered for sale in this state in bales shall be plainly marked on each bale, and no person shall sell or offer for sale such hay or straw, so marked, which shall weigh less than such gross weight after deducting five pounds from each bale for shrinkage. Gross weight shall be marked on bale.

3. *And be it enacted*, That no person shall put or conceal in any bundle or bale of hay or straw any wet or damaged hay or straw, dirt or stones, wood or other material, for the purpose of increasing the weight of any such bundle or bale. Fraud in baling prohibited

Penalty.

4. *And be it enacted*, That any person or persons offending against any of the provisions of this act, and being convicted, shall be deemed and adjudged to be guilty of a misdemeanor and be punished by a fine not exceeding two hundred and fifty dollars, or imprisonment at hard labor not exceeding six months or both.

5. *And be it enacted*, That this act shall take effect September first, one thousand eight hundred and ninety-five.  
Approved May 17, 1894.

## CHAPTER CCXC.

A Further Supplement to an act entitled "An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy, by way of Sandy Hook," approved April seventeenth, one thousand eight hundred and forty-six.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a further supplement be and the same is hereby amended so as to read as follows, to wit :

Commissioners  
shall be non-  
partisan.

1. BE IT ENACTED *by the Senate and General Assembly of the State of N. w J. r. s. y.*, That the governor, by and with the advice and consent of the senate, shall appoint six commissioners of pilotage, not more than three shall be members of the same political party, who shall hold their offices, respectively, for three years; and in case any commissioner of pilotage so appointed shall die or resign, or in any other way become disqualified to act, it shall be the duty of the governor, by and with the consent of the senate, forthwith to fill such vacancy, and the person so appointed to fill such vacancy shall hold his office for the like term of three years; and the commissioners of pilotage, or a majority of them, shall be authorized and full power and authority are hereby given to them to permit, at their discretion, any person to act as a branch pilot as hereinafter provided for, off the bar

Vacancies  
shall be filled  
for full term.

of Sandy Hook, or of the river Raritan, or of the harbor of Jersey City, Newark or Perth Amboy, they having examined the said person in the manner hereinafter mentioned and made such inquiries respecting him and his qualifications as to them the said commissioners, or a majority of them, shall appear necessary and expedient.

Branch pilots shall pass examination.

2. *And be it enacted*, That the terms of all the several commissioners of pilotage now in office under the act to which this is a supplement, and the various supplements thereto, shall cease and determine upon the appointment and confirmation of the commissioners of pilotage above provided for.

Terms of present commissioners shall expire.

3. *And be it enacted*, That section twenty four of the act to which this is a supplement be and the same is hereby amended so as to read as follows, to wit :

Section amended.

24. *And be it enacted*, That the pilots shall, once in each month, account to the said commissioners for the fees received by them for pilotage; and the said commissioners shall be entitled to receive one and one-half per centum from the said fees as a compensation for their services under this act, to be divided among the commissioners according to the days they may have, respectively, attended at any meeting; *provided*, that said commissioners shall not be entitled to receive said commissions on extra pilotage for boarding off shore or for fees received for what is called transportation or harbor pilotage

Pilots shall account for fees.

Compensation of commissioners.

Proviso.

4. *And be it enacted*, That hereafter every boat belonging to the pilots licensed by the laws of this state shall have but one indentured apprentice, who shall be attached to said boat, and indentured to its master, and serve as said apprentice, under the laws of this state, at least four years, and at least three consecutive years of said apprenticeship as a boat-keeper on said boat, and shall be subject to all the laws now in force of the government of pilots of this state, and shall be examined as now directed by law, and after said examination, shall be licensed as a deputy pilot, at and under the discretion of the pilot commissioners of this state, and no person shall be appointed a pilot of this state by way of Sandy Hook, except as herein provided.

Boats shall have but one apprentice.

Term of service

5. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved May 17, 1894.

## CHAPTER CCXCI.

A Supplement to "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six.

Governing  
body may con-  
tract for light-  
ing streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any township committee or board of commissioners within any township or village in this state, having authority to procure and supply lights for lighting the public streets, to make a contract with any person or corporation for the supplying of such lights, for a year or term of years, which contract when so made shall be lawful and valid, and the moneys payable under said contract in each year shall be levied and raised by taxation in the annual tax levies of such year; *provided*, that no such contract shall be made for a longer period than five years.

Repealer.

2. *And be it enacted*, That this act shall take effect immediately, and all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Approved May 17, 1894.



## CHAPTER CCXCII.

An Act relative to the construction, repair and management of buildings used in connection with the school department in cities of the first class.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the board of education, or other board having charge of the public school department in cities of the first class in this state, shall have the entire control and management of all the buildings owned or leased by such city and used in connection with the school department thereof; that such board shall keep and maintain all the buildings of said department in good order and repair, and make such alterations and additions thereto as may be necessary from time to time; that said board of education shall also be charged with the duty of furnishing and re-furnishing said school buildings.

Board of education shall have charge of buildings used for schools.

Shall keep and maintain buildings in good order. And furnish and return same.

2. *And be it enacted*, That all unexpended appropriations heretofore made to any other board or department in said city for the alteration, addition, furnishing or repair, or any of them, of such school buildings, shall forthwith be transferred upon the books of the city to the credit of said board of education.

Unexpended appropriations shall be transferred to board.

3. *And be it enacted*, That nothing in this act contained shall affect existing contracts made by such city for the repair of buildings for school purposes, and that the expenditures by said board of education for any purpose herein authorized shall comply with the provisions of law now or hereafter in force fixing and limiting appropriations and their disposition.

Existing contracts shall not be affected.

4. *And be it enacted*, That all laws now in force in such city relative to the alteration, addition, furnishing and repair of public school buildings therein shall apply to and bind said board of education.

All laws in force shall be binding on board.

5. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved May 17, 1894.

## CHAPTER CCXCIII.

An Act to amend an act entitled "A supplement to an act entitled 'An act relative to guardians and minors' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April twenty-eighth, one thousand eight hundred and eighty-six.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "A supplement to an act entitled 'An act relative to guardians and minors' [Revision], approved March twenty seventh, one thousand eight hundred and seventh four," which supplement was approved April twenty-eighth, one thousand eight hundred and eighty-six, be and the said section is hereby amended to read as follows:

Chancellor  
may authorize  
contracts for  
buildings and  
sale of securi-  
ties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when it shall be made to appear to the chancellor, upon the application of the guardian of a minor or minors, lunatic, insane or feeble-minded person or persons, that the land of such minor or minors, lunatics, insane or feeble-minded persons is occupied in whole or part by old, insecure or dilapidated buildings, or a building or buildings, that is or are incapable of producing an income proportionate with the value of the land, and that it would be to the advantage of the estate of such minor or minors, lunatic, insane or feeble-minded persons that a new building or buildings should be erected on said land or that additions should be made to said building or that any guardian aforesaid has caused to be erected any building or buildings upon any land of a minor or minors, lunatic, insane or feeble-minded persons which is an advantage to the estate of such person or persons, it shall be lawful for the chancellor to order and direct that the guardian of such minor or minors, lunatic, insane or feeble-minded persons be authorized to enter into a contract or contracts for the erection of such building or buildings as may be deemed advisable by the chancellor (where such building has not

been erected as aforesaid), and to pay for the same from the proceeds of sale of securities belonging to the estate of such minor or minors, lunatic, insane or feeble-minded person; but in case it should be deemed more advantageous to the estate of the minor or minors, lunatic, insane or feeble-minded persons not to dispose of such securities, then it shall be lawful for the chancellor to order and direct that the guardian borrow, on bond secured by mortgage on the lands of such minor or minors, lunatic, insane or feeble-minded persons, such sum or sums of money as shall be sufficient in amount to pay for the erection and completion of said building or buildings upon such terms as he may determine; and where such building has been erected by such guardian as aforesaid before the making of said application, it shall be lawful for the chancellor to order and direct that the guardian borrow, on bond secured by mortgage on the land of such minor or minors, lunatic, insane or feeble-minded persons on which said building has been erected, such sum or sums of money as shall be sufficient in amount to pay for having erected the same, upon such terms as he may determine.

May order  
guardian to  
borrow money.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCXCIV.

An Act to enable cities of the second class in this state having a population of less than fifty thousand inhabitants to issue bonds for street and sewer improvements and to provide for the apportionment and payment thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any assessment for benefits resulting from any street or sewer improvement to be hereafter made by order of the common council or other governing body of any city of the second class in this state having a population of less than fifty thousand inhabitants shall have been duly ratified and confirmed, any owner of land or premises so assessed may, within sixty days after the public notice of such assessment, as is now required by law, shall have been published, pay to the proper officer of such city the amount so assessed upon said land or premises of such owner and be thereby relieved from all liability to future assessment in respect of said improvement.

Persons paying assessment may be relieved from liability for future assessments.

Governing body may issue bonds for balance.

2. *And be it enacted*, That it shall be lawful for the common council or other governing board of such city to issue bonds of the said city in manner and form as other bonds of such city are now authorized by law to be issued, to an amount sufficient to pay the balance of the cost of such improvement from the proceeds arising from the sale of said bonds ; said bonds shall be payable during a period not exceeding ten years from their issue, shall bear interest not exceeding six per centum per annum, payable semi-annually ; shall be exempt from taxation in the hands of the holders of the same, and shall not be sold for less than their par value ; it shall be the duty of the common council or other governing body of such city to apportion the entire amount of the bonds so issued among the owners and upon the lands along the lines of the street or section of street so improved, upon the same basis as the original apportionment of cost, excepting therefrom all lands the owners of which shall have paid his, her or their share of costs as hereinbefore provided ; the said apportionment of bonds shall be delivered immediately upon

Bonds shall be exempt from taxation.

Amount shall be apportioned among owners

their issue to the city clerk of such city, who shall certify the same to the official receiving the annual taxes, and the same shall be recorded in books to be kept for that purpose by said city clerk and said official receiving the annual taxes, and such record shall thereafter be competent evidence of such apportionment and of the amounts assigned to the several tracts of land embraced therein; it shall be the duty of the said city clerk, each year in the month of May, to ascertain the amount of interest which will fall due on said bonds on or before the time fixed by law for the payment of taxes in the next succeeding year, and to certify the same, together with one-tenth of the entire principal of the bonds issued, to the assessors of the said city, whose duty it shall be to assess the same upon the basis of the apportionment of amount of bonds and upon the property embraced in said apportionment; and the several sums so from year to year assessed shall have the same effect and be collected at the same time and in the same manner as other taxes are collectible by law within such city for county and city purposes; but until the actual levy of such assessment, neither the liability to assessment in this section created nor the apportionment nor record thereof shall be held or construed to be nor to create a subsisting lien or encumbrance upon the title to the lands embraced in said apportionment; and all moneys collected in pursuance of this section are hereby pledged to the payment of the principal and interest of the bonds aforesaid, and shall be used for no other purpose.

Clerk shall certify same to tax receiver and record same.

Record shall be evidence of appointment.

Clerk shall certify interest falling due to assessors who shall assess same.

Money collected pledge to payments of bonds.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCXCV.

A Supplement to an act entitled " An act constituting courts for the trial of small causes " [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

In trial of  
appeals other  
interest may  
be introduced  
without notice.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter upon the trial of any appeal from any judgment which has heretofore been or shall hereafter be obtained before any justice of the peace, if either party shall desire to produce upon the trial thereof any witness or witnesses not produced or sworn in the court below, or any documentary evidence not offered or admitted in the court below, the said party shall be at liberty to do so and the same shall be admitted by the court if otherwise legal and competent, without notice to the opposite party or his attorney.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCXCVI.

## An Act relating to fire insurance.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any mutual fire insurance association, organized under the laws of this state, to insure their respective dwelling-houses, school-houses and houses for religious worship, mechanic shops, barns, wagon-houses and other farm buildings, with or without their contents, against loss or damage by lightning or fire, without regard to the distance which any one building stands from or is connected with any other building, or other dwelling-house, shop, barn or other building. Buildings may be insured without regard to distance from each other.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCXCVIII

An Act relating to police justices in cities of the first class and defining their jurisdiction, duties and power.

- Police courts shall be courts of record.
- Powers of
- Rooms, furniture, etc., shall be provided.
- Additional powers conferred.
- Provisions of certain acts excepted.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That police courts in the cities of the first class in this state shall be courts of record and have official seals, and all persons shall be amenable to punishment for contempt of said court in the same manner as in other courts of record of this state having power to punish for contempt of court ; and the police justices of said courts in each city shall make such rules as shall be necessary for the orderly conduct of the business and proceedings of the said courts, which rules shall be approved by and subject to the revision of the president judge of the court of common pleas of the county in which such city is situated.
  2. *And be it enacted*, That the board of police commissioners in such city where said police courts are established shall provide suitable rooms for the transaction of the business of such courts and procure suitable furniture therefor and such books and stationery as may be necessary, and shall designate the police officers to attend the sittings of such courts and preserve order therein.
  3. *And be it enacted*, That the said courts shall hereafter be designated as the first and second criminal courts respectively of the city in which they are established, and the police justices of each of said police courts shall hereafter be and be designated the judges of said criminal courts of said city.
  4. *And be it enacted*, That said courts shall have, possess and exercise, in addition to the powers, authority and jurisdiction which the said police courts and the said police justices thereof may now have, all the powers, authority and jurisdiction of the court of two justices of the peace, and of the justices of the peace in and for the several counties of this state, except such as are conferred upon the said justices of the peace by the following acts : an act entitled " An act constituting courts for the trial of small causes," ap-



proved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act for the relief of creditors against absconding and absent debtors," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six; and all other civil matters.

5. *And be it enacted*, That no person tried in said courts shall be entitled to a trial by jury, except in all suits for the violation of city ordinances, and in cases arising under section five of an act entitled "An act concerning disorderly persons," and under an act entitled "An act for the maintenance of bastard children." Jury trials not allowed except in certain cases

6. *And be it enacted*, That it shall be lawful for all commitments, writs and other process of said courts either to be signed by the judge therefor to be tested in the name of the said judge and signed by the clerk of the said court, and the said clerk shall have authority to take any complaint or complaints, or affidavit or affidavits to be used in said courts respectively, and to administer any oath or affirmation proper to be administered in said courts, and in the absence of the judge to adjourn the court from time to time, and by the instruction of the judge to receive in the judge's absence a verdict of any jury, and that the dockets of said courts shall be kept by the respective clerks thereof, and the papers and records of said courts shall be filed by them, and be and remain in their custody, to be delivered to their respective successors; and that the said clerks shall have all the power and authority appertaining by law to clerks of courts of record, and may take bail in any cause that said courts have power to hear and determine. Authority of judge and clerk.

7. *And be it enacted*, That in all cases when a complaint shall be made in said courts a summons or warrant may issue thereon in the discretion of the judge thereof; if a summons is issued it shall, as near as may be, be served and returned in the same manner as in courts for the trial of small causes; if any trial or examination before any of the said courts shall be adjourned, the judge or clerk thereof Judge may issue summonses, etc.

Judge or  
clerk may take  
bail.

Cases may be  
heard and de-  
termined in  
absence of  
defendant.

What shall be  
set forth in  
record of con-  
viction.

Deputy clerk  
may be de-  
signated.

Judge may sit  
in other courts  
and justice of  
peace may sit  
for judge.

Policemen  
may make  
arrests.

Case may be  
summarily  
heard and  
determined.

may take bail to such city in which said court is established that the defendant shall appear in said court at the time to which the said trial or examination is adjourned, and not depart the said court without leave; and that if a defendant who has been duly summoned shall not appear on the return day or on the day when such cause shall be tried, the said cause may be heard and determined in his absence, and if a commitment shall be issued, it shall be lawful for the defendant to be taken into custody under the said commitment in the same manner as under a warrant, and to be delivered to the keeper of the county jail as directed in the said commitment.

8. *And be it enacted*, That if any person shall be convicted in any of said courts, it shall be sufficient for the conviction to set out the name of the defendant, and the number of the section and the title of the statute or ordinance under which the conviction is had, the names of the witnesses sworn, and a list of the exhibits produced at the trial, and a statement that the defendant was convicted, with the date of such conviction, which conviction may be signed by the judge of such court or tested in the name of the judge and signed by the clerk thereof under the seal of such court.

9. *And be it enacted*, That the judge of any of said courts may, at the request of the clerk thereof, designate in writing a deputy clerk, who shall have authority to act for the said clerk and to sign his name to all papers, the said clerk being responsible for all the acts of his said deputy.

10. *And be it enacted*, That it shall be lawful for a judge of any of said courts to sit as judge of any other of said courts, and any duly qualified justice of the peace, at the request of the judge of said court, may sit in the place and stead of said judge, and the judge or justice so sitting shall have the same powers and authority as the judge of said court.

11. *And be it enacted*, That any person found violating any ordinance of any of said cities, or of any board of such city, may be arrested by any police officer of such city or by any employee of said city or said board, whose duty it shall be to enforce said ordinance, and taken before any of said courts in said city, when the case shall be summarily heard and disposed of without the filing of any pleadings, and if the defendant shall be found guilty the

judge of said court may impose upon him a fine not exceeding the penalty prescribed for the violation of such ordinance, and in default of the payment of the said fine the defendant shall be committed to the county jail for any number of days the said judge may determine, not exceeding in number the number of dollars of the fine so imposed.

12. *And be it enacted*, That the salaries of police justices and clerks of police courts shall be payable monthly in the same manner that other officers of such cities are paid. Salaries shall be paid monthly.

13. *And be it enacted*, That where no work-house exists in such cities, commitments may be made to the jail of the county in which such city is situated. When commitments may be made to county jail.

14. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCXCIX.

A Further Supplement to an act entitled "An act to amend 'An act concerning corporations,' approved April seventh, one thousand eight hundred and seventy-five," which amendatory act was approved March twentieth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That whenever any corporation, which has been or shall be included in any proclamation, issued or to be issued by the Governor for non-payment of taxes, shall, within ninety days after the issuance of such proclamation, pay into the state treasury the amount of all taxes due from it to the state with interest, costs and advertising fees, the said proclamation so far as it affects said corporation, shall be void and the charter of said corporation shall thereupon be revived to the same extent as if said taxes had been duly paid and said proclamation had not been issued. When charter of defaulting corporation shall be revived.

2. *And be it enacted*, That upon the payment of said

Secretary of  
State shall note  
payment.

taxes with interest, costs and advertising fees, and the filing of a receipt therefor signed by the treasurer and countersigned by the comptroller, it shall be the duty of the secretary of state to note the said payment upon the original proclamation and the record thereof.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCC.

A Supplement to an act entitled "An act relative to corporations," approved May fifteenth, one thousand eight hundred and ninety-four.

Section  
amended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section three of an act entitled "An act relative to corporations," approved May fifteenth, one thousand eight hundred and ninety-four, be and the same is hereby amended so that it shall read as follows :

Foreign cor-  
poration shall  
be liable to  
same taxes etc.  
as imposed at  
home.

3. *And be it enacted*, That when, by the laws of any other state or nation, any other taxes, fines, penalties, licenses, fees or other obligations or requirements are imposed upon such corporations of this state, doing business in such other state or nation, or upon their agents therein, so long as such laws continue in force, the same taxes, fines, penalties, licenses, fees, obligations and requirements of whatever kind shall be imposed upon all such corporations of such other state or nation doing business within this state and upon their agents here ; *provided*, that nothing herein shall be held to repeal any duty, condition or requirement now imposed by law upon such corporations of other states or nations transacting business in this state.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCCL.

An Act relating to the improvement of sidewalks in boroughs incorporated under special charters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council or other governing body of any borough incorporated under special charter <sup>Governing body may establish ordinances relative thereto.</sup> may make and establish ordinances for grading, paving and curbing the sidewalks on the streets of such borough, *provided*, <sup>Proviso.</sup> that no property-owner shall be required to grade, pave and curb more than two hundred consecutive feet of side-walk in any one year.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCCII.

An Act concerning municipal boards or departments in cities of the first class in this state.

Moneys received by boards or departments shall be paid to custodian of city funds.

Power to borrow money in anticipation of receipts vested in governing body.

Moneys expended shall be by warrant on treasurer.

Repealer.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all moneys received from any source by municipal boards or departments established in cities of the first class in this state shall be paid by such boards or departments to the treasurer or other person charged with the custody of the funds of such city. And where the power to borrow money in anticipation of estimated receipts has heretofore been vested in any board in such city such power shall be and is hereby transferred to and vested in the mayor and common council or other body having control of the finances of such city.

2. *And be it enacted*, That all moneys expended by such boards or departments shall be by warrant on the treasurer or other person charged with the custody of the funds of such city issued, countersigned and audited as warrants of the board of police and fire commissioners in such cities are now required to be issued, countersigned and audited.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCCIII.

An Act to repeal chapter two hundred and fourteen of the laws of one thousand eight hundred and eighty-nine, entitled "A supplement to an act entitled 'A act regulating proceedings in criminal cases' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved May sixth, one thousand eight hundred and eighty-nine, and to end the term of office of any officer or officers appointed thereunder.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That chapter two hundred and fourteen of the laws of one thousand eight hundred and eighty nine, entitled "A supplement to an act entitled 'An act regulating proceedings in criminal cases' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy four," which supplement was approved May sixth, one thousand eight hundred and eighty-nine, be and the same is hereby repealed. Act repealed.

2. *And be it enacted*, That the term of office of any officer or officers appointed under and by virtue of said act, be and the same is hereby terminated. Terms of office terminated.

3. *And be it enacted*, That this act shall take effect immediately.

Passed May 18, 1894.

## CHAPTER CCCIV.

An Act to repeal an act entitled "An act concerning cities of the first class in this state and constituting police courts in such cities, and providing for the appointment of police justices of such courts and defining the jurisdiction, powers and duties of such police justices and abolishing all other police courts and police justices in such cities," approved March sixteenth, one thousand eight hundred and ninety-one, and the supplements and amendments thereto.

Act repealed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning cities of the first class in this state and constituting police courts in such cities, and providing for the appointment of police justices of such courts and defining the jurisdiction, powers and duties of such police justices and abolishing all other police courts and police justices in such cities," approved March sixteenth, one thousand eight hundred and ninety-one, and all supplements and amendments thereto, be, and the same are hereby repealed, and that this act shall take effect immediately.

Passed May 18, 1894.



## CHAPTER CCCV.

An Act to provide for the appointment of police justices in cities of the first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each city of the first class there shall be two police justices, who shall receive an annual salary of two thousand five hundred dollars; they shall be appointed by the mayor of such city, and shall hold office for the term of three years and until their successors are appointed and qualified. Mayor shall appoint.

2. *And be it enacted*, That each of the police justices shall have all the powers in criminal matters that justices of the peace in and for the several counties of the state now have, and, for the purpose of recovering the penalty for violating any ordinance or regulation of said city, he is hereby empowered, on oath or affirmation made according to law, that any person or persons has or have been guilty of any violation of any of the ordinances or regulations of any board of the said city, to issue process, at the suit of said city, either in the nature of a summons or warrant, as to him shall seem most advisable, against the person or persons so violating such ordinance or regulation, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than five nor more than ten entire days; such process shall state what ordinance or regulation, by the defendant or defendants named therein, has been violated, and in what manner the same has been violated; and on the return of such process, or at the time to which the said justice shall have adjourned the same, the said justice shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings; and the said justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; each of the said police justices is further empowered to inflict fines, not exceeding the sum of twenty dollars, on such persons as shall be Powers of justice.

Proviso.

brought before him and charged with vagrancy, disorderly conduct, breach of the peace, or any other light offense, if found guilty, or, in his discretion, to order such persons committed to the county jail or workhouse for any period not exceeding ninety days; *provided*, that in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in the courts for trial of small causes, and also an appeal as in all cases where an appeal may now be had from judgment in courts for the trial of small causes; in case the person arrested for any offense shall be a minor, each of said justices shall have the power, in his discretion, to inflict, or commute, or wholly remit the penalty prescribed for the offense committed by said minor; and each of said justices is hereby empowered to cause any person or persons who shall be found guilty of a violation of the ordinances or regulations of any board of said city, and who may refuse or neglect to pay any penalty imposed by reason of the same, and all or any person or persons found guilty of a breach of the peace, or of any other light offense, within the jurisdiction of the said justice, to be sent to the workhouse for such time as in his discretion may seem meet, and there to perform work in said workhouse, and to conform to the rules and laws of the same; *provided, however*, that such person shall not be sent to said workhouse to be confined there for a longer time than ninety days for any offense.

Proviso.

Policemen  
may serve  
warrants.

Justice may  
adjourn hear-  
ing.

3. *And be it enacted*, That the officers empowered to serve any warrant issued by any of the police justices shall be, besides the constables elected or appointed within the said city, the policemen of said city, and that said process shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons issued out of the court for trial of small causes are returned; and that the defendant or defendants named therein shall, if the police justice see fit to adjourn the hearing of the charge made and so order, enter into recognizances as near as may be in the manner directed in the courts for the trial of small causes, in the amount of the penalty, named in the process, or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the police justice, unto such city for appearance on the day to which said hearing may be adjourned; and in default of

appearance the said recognizance may be collected in the same manner as the same might have been had the said recognizance been taken in a proceeding in courts for the trial of small causes.

4. *And be it enacted*, That the board of police commissioners shall designate the place in said city where each of said police justices shall sit for the transaction of business and the time when their court shall be opened upon each day, to the end that the administration of justice by said justices through the city may be facilitated and made convenient; and it shall be the duty of said police justices to be in attendance at the time and place so designated. Police commissioners shall designate place for holding courts.

5. *And be it enacted*, That in any proceeding before any police justice of any such city for the purpose of recovering a penalty for the violation of any ordinance or regulation of such city, such ordinance may be proved by the copy thereof certified by the city clerk under the seal of such city, or by the introduction in evidence of any printed compilation of the ordinances of such city, duly authorized and recognized as such compilation, and due publication of all ordinances and regulations by any board of such city shall be presumed to have been made until the contrary is proven. How ordinance may be proved.

6. *And be it enacted*, That every police justice so appointed shall, within ten days after his appointment, take and subscribe the usual oath or affirmation taken by officers of such city, and file the same with the clerk thereof; such oath may be taken before such clerk, who is hereby authorized and empowered to administer the same. Justices shall subscribe and file oath.

7. *And be it enacted*, That each of said police justices shall have power to appoint a clerk, whose duty it shall be to attend the sessions of the court held by such police justice, and keep a docket in which shall be entered a brief record of all matters which shall come before such justice; all fines and penalties imposed by such justice shall be paid to such clerk, who shall account for and pay the same over to the proper officer of such city within the time limited in the charter of such city for such payment, or if no such time is limited, then within twenty-four hours after the receipt thereof; each of said clerks shall receive a salary of Clerk's salary. one thousand two hundred dollars per annum, to be paid monthly by the board of police commissioners of such city, and before entering upon the duties of his office such clerk shall give bond to the city in the penal sum of five thous- Clerk shall give bond.

and dollars, with at least two sufficient sureties to be approved by the mayor ; every clerk so appointed shall hold office during the pleasure of the police justice appointing him.

Vacancy in  
office of justice  
shall be filled  
for unexpired  
term.

8. *And be it enacted*, That any vacancy occurring in the office of police justice shall be filled for the unexpired term by the mayor of the city wherein such vacancy occurs.

Repealer.

9. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Passed May 18, 1894.

## CHAPTER CCCVI.

An Act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof.

Board of ex-  
aminers  
authorized.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the governor shall appoint, by and with the advice and consent of the senate, a board of examiners to be known as the state board of medical examiners, said board to consist of nine members, who shall be persons of recognized professional ability and honor ; the term of office of said board shall be three years, or until their successors are appointed ; *provide*, however, that the members of the board first appointed shall be divided into three classes, each class to consist of three persons ; the first class shall hold office under said appointment for one year, the second for two years and the third for three years from the date of their appointment, and thereafter each member shall be appointed for a term of three years ; *and provided further*, that said board shall consist of five old-school physicians, three homœopaths and one eclectic ; said appointees shall, within thirty days after the receipt of their respective commissions, take, subscribe and file, in the

Proviso.

office of the secretary of state, the oath or affirmation prescribed by law. Members shall subscribe oath and file same.

2. *And be it enacted*, That said board shall elect a president, a secretary and a treasurer from its membership; it shall have a common seal, and its president shall be empowered to issue subpoenas and to administer oaths in taking testimony in any matter pertaining to the duties of said board; it shall make and adopt all necessary rules, regulations and by-laws not inconsistent with the laws of this state or of the United States, whereby to perform the duties and to transact the business required under the provisions of this act. Board, how organized.

3. *And be it enacted*, That said board shall hold meetings for examinations at the capitol building of this state on the third Tuesday of June and September of each year, and at such other times and places as the board may deem expedient; said board shall keep an official record of all its meetings, and an official register of all applicants for a license to practice medicine and surgery in this state; said register shall show the name, age, nativity, last and intended place of residence, of each candidate, the time he or she has spent in obtaining a competent common-school education, and in medical study, in or out of medical school, and the names and location of all medical schools or examining and licensing boards which have granted said applicant any degree or certificate of attendance upon lectures upon medicine and surgery or state examinations; said register shall also show whether said applicant was examined, licensed or rejected under this act and said register shall be prima facie evidence of all matters therein contained. Powers of board.

4. *And be it enacted*, That all persons hereafter commencing the practice of medicine or surgery in any of its branches in this state shall apply to said board for a license so to do; applicants for examination shall present to the secretary of this board, at least ten days before the commencement of the examination at which he or she is to be examined, a written application on a form or forms provided by said board, together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained a competent common-school education, and has either received a diploma conferring the degree of doctor of medicine from some legally-incorporated medical college (which in the opinion of said board was in Record shall be evidence.

Persons desiring to practice shall apply for license.

Form of examination.

Proviso.

good standing at the time of issuing said diploma) in the United States, or a diploma or license conferring the full right to practice all the branches of medicine and surgery in some foreign country, and has also studied medicine four years, including three courses of lectures in different years in some legally-incorporated American or foreign medical college or colleges prior to the granting of said diploma or foreign license; *provided, however*, that two courses of medical lectures, both of which shall be either begun or completed within the same calendar year, shall not be considered to satisfy the above requirement; and if said application is approved, and the said applicant shall have deposited the sum of twenty-five dollars with the treasurer of such board as an examination fee, which said sum shall be returned to such applicant in case of failure to pass such examination, the applicant shall sign his or her name opposite a number in a book kept for that purpose by the secretary, and shall mark his or her examination paper with said number, and shall be known to the members of said board only by said number until his or her papers have been examined and marked; applicants examined and licensed by or who are or have been members of state examining and licensing boards of other states, upon the payment of fifty dollars to the treasurer of said board, and on filing with the secretary of said board a copy of his or her license or certificate, certified by the affidavit of the president and secretary of such board, showing also that the standard of requirements of said board at the time said license or certificate was issued was substantially the same as that required by said board, and of his or her affidavit as to the personality thereof, may be granted a license by said board without further examination thereby.

Examinations shall be written in English.

Subject for examination.

5. *And be it enacted*, That all examinations shall be written in the English language, and the questions and answers shall be, except in materia medica and therapeutics, such as can be answered in common by all schools of practice; if the applicant intends to practice homœopathy or eclecticism, the member or members of said board of those schools respectively shall examine said applicant in the materia medica and therapeutics of the school in which such applicant intends to practice; the examinations shall be in the following subjects, namely, materia medica and therapeutics; obstetrics and gynecology; practice of medicine, including

diseases of the skin, nose and throat; surgery, including surgical anatomy and diseases of the eye, ear and genito-urinary organs; anatomy; physiology; chemistry; histology; pathology; bacteriology; hygiene; medical jurisprudence, and in such other subjects as the board may decide; all examinations shall be both scientific and practical, and of sufficient severity to test the candidate's fitness to practice medicine and surgery; if said examination is satisfactory, the board shall issue a license, entitling the applicant to practice medicine and surgery in this state; the votes of all examiners shall be by yes or no, and written with their signatures upon the backs of the examination papers of each candidate; said application and examination papers shall be deposited in the state library, in the capitol building, and they shall be prima facie evidence of all matters therein contained; all licenses shall be signed by the president and secretary of the board, and shall be attested by the seal thereof.

When satisfactory board shall issue license.

6. *And be it enacted*, That the board may refuse to grant or may revoke a license for the following causes, to wit, chronic and persistent inebriety; the practice of criminal abortion; conviction of crime involving moral turpitude or for publicly advertising special ability to treat or cure chronic and incurable diseases; or where any person shall present to this board any diploma, license or certificate that shall have been illegally obtained, or that shall have been signed or issued unlawfully or under fraudulent representations; in complaints for violating the provisions of this section, the accused person shall be furnished with a copy of the complaint, and given a hearing before said board in person or by an attorney; and any person, after such refusal or revocation of license, who shall attempt or continue the practice of medicine, shall be subject to the penalties hereinafter prescribed.

When board may refuse or revoke license.

7. *And be it enacted*, That the person so receiving said license shall file the same or a certified copy thereof, with the clerk of the county in which he or she resides, and said clerk shall file said certificate or copy thereof and enter a memorandum thereof, giving the date of said license, with the name of the person to whom the same is issued, and the date of said filing, in a book to be provided by this board and to be kept for that purpose, and for which registry the said county clerk shall be entitled to demand and

Licensee shall file license or copy of with county clerk.

Fee of clerk  
for filing and  
registration.

Upon removal  
shall obtain  
certified copy  
and file it.

Clerk shall  
furnish list  
secretary of  
board.

And make  
record of  
changes, &c.

Who shall be  
regarded as  
practitioners.

Faith curists,  
mind healers,  
&c., liable.

To whom law  
shall not apply

receive from each person registering the sum of one dollar ; in case the person so licensed shall move into another county of this state, he or she shall procure from the said clerk a certified copy of such registration, and then file the same with the clerk of the county to which he or she shall remove, and the said clerk shall file and enter the same with like effect as if the same was an original license, and for which registry the said clerk shall be entitled to demand and receive the sum of one dollar ; and each county clerk in the counties of this state shall, upon the last day of November of each year, furnish to the secretary of said board a list of all the certificates of this board filed in his office during the previous year, and upon notice to him of the change of location or death of the person so licensed, or of the revocation of said license, said county clerk shall enter at the appropriate place in the records so kept by him, a memorandum of said fact, and said memoranda shall be furnished to the secretary of this board in the annual report above required.

8. *And be it enacted*, That any person shall be regarded as practicing medicine or surgery, within the meaning of this act, who shall use the words or letters "Dr.," "Doctor," "Professor," "M. D." or "M. B.," in connection with his or her name, or any other title intending to imply or designate him or her as a practitioner of medicine or surgery in any of its branches, and who in connection with such title or titles or without the use of such titles, shall prescribe, direct, recommend, advise, apply, give or sell, for the use of any person or persons, any drug or medicine or other agency or application for the treatment, cure or relief of any bodily injury, infirmity or disease ; and it is further provided that the use of any one of the aforementioned titles or the exposure of a sign, circular, advertisement or any other device or information, indicating thereby the occupation of the person or persons, shall be considered prima facie evidence ; and it is further provided that the provisions of this act shall apply to all persons professing and attempting to cure diseases by means of the so called system of "faithcurism," "mind-healing," "laying-on-of-hands" and other similar systems.

9. *And be it enacted*, That this act shall not apply to the commissioned surgeons of the United States army, navy or marine hospital service, while so commissioned, or to law-



fully qualified physicians or surgeons residing in other states, meeting registered physicians and surgeons of this state in consultation, or to any legally qualified physician or surgeon of another state taking charge of the practice of a legally qualified physician or surgeon of this state temporarily during the latter's absence therefrom and upon the written requests to said board therefor, or to any physician or surgeon of another state, and duly authorized under the laws thereof, to practice medicine and surgery therein ; *provided*, that such practitioner shall not open an office or a place for the practice of his profession within the borders of this state, or to any one while actually serving as a member of the resident medical staff of any legally-incorporated charitable or municipal hospital or asylum, or to any legally-qualified and registered dentist, exclusively engaged in practicing the art of dentistry, or to any person claiming the right to practice medicine and surgery in this state, who has been practicing therein since before the fourth day of July, one thousand eight hundred and ninety ; *provided*, said right or title was obtained upon a diploma of which the holder and applicant was the lawful possessor, issued by a legally-chartered medical institution, which, in the opinion of said board, was in good standing at the time said diploma was issued.

10. *And be it enacted*, That any person hereafter commencing or continuing the practice of medicine and surgery in any of its branches in this state without first having obtained and filed the license herein provided for or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine of not less than one hundred dollars or by imprisonment in the county jail for a period of not less than thirty days, or by both fine and imprisonment, and for each subsequent offense the punishment shall be double that of the preceding one ; and it shall be the duty of the respective district attorneys of the counties of this state to prosecute violation of the provisions of this act.

Penalty for  
violation of act

11. *And be it enacted*, That the expenses of said board and of the examinations shall be paid from the license fees above provided for, and if any surplus remain, the same may be distributed among the members of said board as a compensation for their services as members, but otherwise they shall receive no compensation whatever.

Expenses of  
board, how  
paid.

12. *And be it enacted*, That all acts or parts of acts, general or special, now existing, not in accordance with the provisions of this act or inconsistent therewith, are hereby repealed.

Approved May 22, 1894.

## CHAPTER CCCVII.

An Act legalizing, ratifying and confirming township elections heretofore held in pursuance of an act entitled "A further supplement to an act entitled 'An act concerning township officers,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was approved March thirteenth, one thousand eight hundred and eighty-eight.

Former election ratified and confirmed. 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That any election of township officers heretofore held or had in any township of this state, in pursuance of an act entitled "A further supplement to an act entitled 'An act concerning township officers,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was approved March thirteenth, one thousand eight hundred and eighty-eight, be and the same is hereby legalized, ratified and confirmed, any law to the contrary notwithstanding.

Township committee shall hold office until end of term. 2. *And be it enacted*, That the members of the township committee elected at any such election, shall hold and possess their offices until the end of their respective terms.

Number to be elected. 3. *And be it enacted*, That only so many township committeemen shall be elected in any such case, under existing laws, as will make the whole number of the township committee five, including those who hold over under existing terms of office.

Repealer. 4. *And be it enacted*, That all acts inconsistent with this act be repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved May 22, 1894.

## CHAPTER CCCVIII.

**An** Act to repeal an act entitled "A further supplement to the act entitled 'An act relative to the sales of land under a public statute, or by virtue of any judicial proceedings' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which further supplement was approved March sixteenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "A further supplement to the act entitled 'An act relative to sales of land under a public statute, or by virtue of any judicial proceedings' [Revision], approved March twenty seventh, one thousand eight hundred and seventy-four," which further supplement was approved March sixteenth, one thousand eight hundred and ninety-one, be and the same is hereby repealed. Section  
repealed.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved May 22, 1894.

## CHAPTER CCCIX.

An Act to amend an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows :

State board,  
how constituted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the general supervision and control of public instruction in the state of New Jersey shall be vested in a state board of education, which board shall consist of two members from each congressional district, only one of whom shall be a member of the same political party, and no two of whom shall reside in the same county, except where a congressional district lies entirely within one county ; said members shall be appointed by the governor, by and with the consent of the senate, and shall hold office severally for the term of five years, and until their successors shall be appointed as aforesaid, and hereafter, in the place of those whose terms expire, successors in like manner and for a like term shall be appointed, so that there shall always be two members from each congressional district ; and in case of any vacancy by death, resignation or otherwise, a successor for the unexpired term shall in like manner be appointed.

Present members shall serve out terms.

2. *And be it enacted*, That the members of the state board of education already appointed shall continue in office, severally for the terms for which they have been appointed ; *provided, however*, that this section shall not apply to any congressional district which now has two members of said state board of education who are both members of the same political party, but the terms of office of each of said members shall terminate upon the passage of this act, and two

Proviso.

members shall be appointed from said district in the manner provided in the first section of this act, one of whom shall be appointed for the full term of five years, and one for the term for which the members from said district would have served as members of said board had their term of office not been terminated by this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 22, 1894.

## CHAPTER CCCX.

An Act concerning taxes and the equalization of values with reference thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, in any case, in any county of this state where any increase or diminution of the whole or aggregate value of the real estate contained in any assessment or taxing district or division of such county, as the same shall be returned or made to appear to the board, body or authorities hereinafter mentioned, by or from the returns or abstracts of ratables thereof presented by any assessor, assessors, tax board or other like authority or body in such county, authorized and empowered to make assessment of taxes upon real estate therein, shall be made or effected by, through or by any means of any board of commissioners, tax or assessment board or other authority or body whatever, authorized by any law of this state to make any increase or diminution of such real estate value, for the purpose of effecting an equalization of values or valuation of such real estate between the several assessment districts, cities, towns or townships of such county, no notice thereof shall be necessary or requisite to be sent to any taxpayers of such district, but the action so authorized, and hereby authorized for such purpose, shall be regarded as final and conclusive without such notice; in all cases, however, where

No notice to taxpayers required.

Action of assessment board shall be final.

Appeal shall  
be heard in  
certain cases.

any such increase or change shall be made respecting the value of any particular piece or portion of real estate within any such assessment or taxing district, notice shall be given to any and all taxpayers affected, and they shall be heard, by way of appeal or otherwise, in relation thereto, as the law in such case may direct.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved May 22, 1894.

## CHAPTER CCCXI.

A Supplement to an act entitled "An act for the establishment and government of a naval militia of New Jersey," which act was approved May eighth, one thousand eight hundred and ninety-four.

title  
amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of said act be and the same is hereby amended to read "An act for the establishment and government of a naval reserve of New Jersey," and whenever the words "naval militia" appear in said act the same are hereby amended to read "naval reserve."

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 22, 1894.

## CHAPTER CCCXII.

An Act to authorize the construction and maintenance of bridges and the approaches thereto over navigable waters which mark the dividing line between counties in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where navigable waters mark the dividing line between two counties of this state, and the respective boards of chosen freeholders of such counties have resolved, or may hereafter resolve, that a bridge or bridges across such waters at any point or points, or between any points, is a public necessity, it shall and may be lawful for such boards jointly to construct and maintain such bridge or bridges, for uses exclusively public, and the expense thereof shall be borne by the said counties equally; *provided, however*, that before any such bridge shall be built, or contract made, or moneys expended in respect thereto, the action of such boards of chosen freeholders shall have been approved by a majority of the legal voters of their respective counties, the approval or disapproval of such voters to be expressed at the first general fall election held next after the passage of such resolution by such boards of chosen freeholders, or either of them, and to be indicated by those who favor the building of such bridge by adding to their ticket the words "for bridge between county and county," as the case may be; and by those opposed to the building of such bridge by the words "against bridge between county and county;" *provided, further*, that notice that an election for the above purpose will be held shall have been given by the clerks of the respective boards of chosen freeholders of said counties in the newspapers in said counties authorized to publish the laws for the preceding year, for at least four weeks immediately preceding the time of holding such election.

Chosen freeholders may jointly construct and maintain bridge.

Legal voters shall first approve.

Proviso.

2. *And be it enacted*, That whenever pier or wharf lines shall be or have been established by any act of the legisla-

Bridge shall conform to wharf lines.

May abut upon  
a public high  
way.

ture, or by any person or persons, commissioner or commissioners, or person or corporations, authorized by an act of the legislature to fix and establish such lines, then in every case the structure to be erected by said boards of chosen freeholders shall extend from such pier line to pier line, and so much further only as may be necessary for the construction of proper foundations or abutments; and if in any case it shall be found necessary in building such bridge to place the abutments on either side of such waters upon a public highway, it shall be lawful so to do.

When draw  
shall be provi-  
ded.

3. *And be it enacted*, That in case such bridge when constructed, will interfere with the navigation of such waters, then the same, when constructed, shall be provided with a suitable draw to be determined by the said board of chosen freeholders, any law, public or special, to the contrary notwithstanding, and to be placed as nearly as practicable at right angles with the channel of such waters, and of sufficient width to allow vessels used thereon to pass through the same freely, and the expense of operating such draw and caring for such bridge shall be borne by such counties equally.

Boards shall  
regulate use of  
bridge.

4. *And be it enacted*, That boards of chosen freeholders of said counties, or the joint committees having charge of said bridge, may make such regulations not inconsistent with the provisions of this act, as they shall deem necessary for the protection of said bridge and the accommodation of passengers crossing the same, and may place the said bridge in the special care or charge of such suitable persons as they may appoint for that purpose, and may thereupon apply to the governor of this state to commission such person or persons to act as policemen in respect to the said bridge, and the enforcement of the provisions of this act, and of such regulations as shall be made as aforesaid.

May appoint  
persons to en-  
force regula-  
tions,

Governing  
body of muni-  
cipality shall  
construct and  
maintain ap-  
proaches at ex-  
pense of  
county.

5. *And be it enacted*, That if in any case it shall be found necessary to construct approaches to such bridge in order to connect the same with the public roads or streets at either end thereof, or to make such roads conform to the grade of the bridge so constructed, then in every such case it shall be the duty of the common council, board of aldermen, township committee, or other governing body of the town, township or municipality through which such approach or approaches shall lie, to construct and maintain the same at the expense of the county in which such approach shall be constructed and maintained.



6. *And be it enacted*, That for the purpose of furnishing the moneys necessary for building, rebuilding, repairing and maintaining any such bridge and for making and maintaining such approach or approaches and acquiring lands therefor, it shall and may be lawful for said boards of chosen freeholders to use any moneys of their respective counties not otherwise appropriated, and to raise money from time to time by taxation, and for the purpose of building and rebuilding such bridge the counties to be connected by such bridge or bridges may issue, in addition to the bonds heretofore issued for such purposes by such county or counties, or either of them, the bonds of their respective counties for any sum not exceeding one hundred and fifty thousand dollars for each county, and may negotiate and sell the same at any price not less than par; such bonds, if issued, shall be made payable in not more than twenty years from the date of their issue, and shall bear interest at a rate not greater than five per centum per annum.

7. *And be it enacted*, That in case it shall be necessary to acquire land for the approach or approaches mentioned in the fifth section of this act, and the boards of chosen freeholders of the counties in which such lands lie, and the owner or owners thereof cannot agree upon the price to be paid therefor, it shall and may be lawful for any justice of the supreme court, and the said justice is hereby directed, upon application by said boards of chosen freeholders of the county in which such approach or approaches shall lie, upon two weeks' previous notice, served in person or by leaving a copy thereof at the dwelling-house or usual place of abode of the owner or owners of said lands and the tenants, if any there be, or in case of the absence from the state or legal disability of the owner or owners or tenants, then the said notice shall be published in a newspaper published in the county where said lands are situate, for two weeks prior to the time fixed for such application, to appoint three disinterested persons commissioners, which said commissioners shall be residents of the county where said lands are situate, to condemn and assess and ascertain the value of the lands necessary for such approach or approaches, which commissioners shall appoint a time and place at which they shall meet and execute the duties of this appointment, and shall cause two weeks' notice thereof to be given to the owner or owners and tenant or tenants thereof, either by personal

Construction  
funds, how  
raised.

Lands may be  
condemned.

Proceedings  
therefor.

service or by leaving a copy thereof at the dwelling-house or usual place of abode of said owner or owners and tenant or tenants, or in case of the absence from the state or legal disability of said owner or owners or tenant or tenants, then said notice shall be published in a newspaper published in the county where said lands are situate, for two weeks prior to the time of such meeting ; at which time and place the said commissioners, or any two of them, shall meet and view the premises and lands, and hear all the parties interested, and take evidence, if any shall be offered, and for that purpose shall have power to administer oaths and affirmations, and to adjourn from time to time ; and the said board of chosen freeholders shall make and exhibit to the said commissioners, at their meeting aforesaid, a description of said lands required for such approach or approaches as aforesaid, either in writing or by maps or drawings or both ; and the said commissioners or any two of them, shall thereupon ascertain and assess the value of said lands and shall execute under their hands and seals, or the hands and seals of any two of them, and award to said boards of chosen freeholders, stating therein the compensation therefor by them assessed, in favor of said owner or owners, tenant or tenants, if any there be, and a description of the said lands, which said award shall be acknowledged by the commissioners making the same and filed in the register's office of the county where said lands are situate, and recorded by the said register in the same manner and in the same books that deeds for real estate are now recorded.

Awards—to  
whom paid.

8. *And be it enacted*, That when the said commissioners, or any two of them, shall make their award and assess the value of the lands aforesaid, then it shall be the duty of the said board of chosen freeholders to pay to the owner or owners of said lands and to the tenant or tenants, if any there be, the amount so assessed by the said commissioners, and in case the said owner or owners, tenant or tenants, refuse to receive the same, or reside out of this state, or are legally disqualified, or cannot be found, then the said board of chosen freeholders shall pay the said amount so assessed to the clerk of the circuit court of the county where said lands are situate.

Ownership  
shall vest in  
board.

9. *And be it enacted*, That the award of the commissioners aforesaid, or any two of them, and the payment of the

money so assessed as aforesaid by the board of chosen freeholders shall vest them in the lands and premises described in said award, the same estate as would have vested in them had the owner or owners thereof conveyed the same to the said board of chosen freeholders, under their hands and seals, in fee simple.

10. *And be it enacted*, That if the said board of chosen freeholders or the owner or owners, or the tenant or tenants, of said lands are not satisfied with the assessment of the said commissioners of the amount to be paid to the owner or owners, tenant or tenants of said lands, then and in that case either party may appeal to the next or second term thereafter of the circuit court of the county where said lands are situate, by filing a petition with the clerk of said circuit court and serving a notice of such appeal upon the opposite party three weeks prior to such term, or by publication in a newspaper printed in the county where said lands are situate, for four weeks prior to such term; which petition, when filed, and the notice served or published as aforesaid, shall vest in said court full power to hear and determine said appeal.

Either side  
may appeal  
from award.

Proceedings  
therefor.

11. *And be it enacted*, That in all cases of appeal from the assessment of the commissioners, it shall and may be lawful for either party to demand and have a trial by jury, and the assessment of the court or jury shall be final.

May have jury  
trial.

12. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved May 22, 1894.

## CHAPTER CCCXIII.

A Supplement to an act entitled "An act for the protection of certain kinds of birds, animals and fish, and to provide a procedure to recover penalties for the violation thereof," approved February twenty-eighth, one thousand eight hundred and ninety-three.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, and which reads as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to pursue, take, kill, or have unlawfully in possession any buck, doe, fawn or wild deer, except only between the fourteenth day of October and the sixteenth day of December in any year, under a penalty of one hundred dollars for each buck, doe, fawn or wild deer so killed, pursued or had unlawfully in possession," shall be amended, so that the same shall read as follows :

Open season  
for deer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to pursue, take, kill, or have unlawfully in possession any buck, doe, fawn or wild deer, except only between the twenty-fifth day of November and the sixteenth day of December in any year, under a penalty of one hundred dollars for each buck, doe, fawn or wild deer so killed, pursued or had unlawfully in possession.

Section  
amended.

2. *And be it enacted*, That the third section of the act to which this is a supplement, and which section reads as follows :

3. *"And be it enacted*, That hereafter it shall not be lawful for any person or persons to capture, kill, or have unlawfully in possession after the same has been taken or killed, any quail or any hare (commonly called rabbit), except only between the last day of October and the sixteenth day of December in any year, under a penalty of twenty dollars for each quail or rabbit so taken, killed or had unlawfully in

possession," shall be amended, so that the same shall read as follows:

3. *And be it enacted*, That hereafter it shall not be lawful for any person or persons to capture, kill, or have unlawfully in possession after the same has been taken or killed, any quail or any hare (commonly called rabbit), except only between the tenth day of November and the sixteenth day of December in any year, under a penalty of twenty dollars for each quail or rabbit so taken, killed or had unlawfully in possession. Open season for quail and rabbits. Penalty.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 22, 1894.

#### CHAPTER CCCXIV.

Supplement to an act entitled "An act for the protection of certain kinds of birds, animals and fish, and to provide a procedure to recover penalties for the violation thereof," approved February twenty-eighth, one thousand eight hundred and ninety-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act to which this is a supplement be and the same is hereby amended so as to read as follows: Section amended.

2. *And be it enacted*, That hereafter it shall not be lawful for any person or persons to capture, kill or have unlawfully in possession after the same has been taken or killed, any black or fox squirrel, except only between the thirty first day of October and the sixteenth day of December in any year, under a penalty of twenty dollars for each black or fox squirrel so taken killed or had unlawfully in possession. Open season for black or fox squirrels.

2. *And be it enacted*, That the fourth section of the act to which this is a supplement be and the same is hereby amended so as to read as follows: Section amended.

4. *And be it enacted*, That hereafter it shall not be law-

Open season  
for ruffed  
grouse.

Penalty.

ful for any person or persons to capture, kill or have unlawfully in possession after the same has been taken or killed, any ruffed grouse (commonly called partridge) except only between the last day of October and the sixteenth day of December in any year, under a penalty of twenty dollars for each ruffed grouse so taken, killed or had unlawfully in possession.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 22, 1894.

## CHAPTER CCXV.

An Act to amend an act entitled "A supplement to an act entitled 'An act to incorporate trustees of religious societies,' approved April ninth, one thousand eight hundred and seventy-five," which supplement was approved April fourth, one thousand eight hundred and ninety-one.

Section  
amended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section one of the above-entitled act be and the same is hereby amended to be and read as follows :

Unlawful to  
mortgage the  
real estate of a  
Protestant  
Episcopal  
church without  
written con-  
sent of, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for the rector, wardens and vestrymen of any protestant episcopal church, or, in case the church be without a minister or rector, then for the said wardens and vestrymen, or for the wardens and vestrymen for the time being, of any protestant episcopal church who are trustees of the same, to alien, grant, assign, demise, let or mortgage any real church property, without the previous written consent of the bishop and a majority of the standing committee of the diocese within which such real church property may be situated ; or, in case of a vacancy in the office of bishop, or of his absence from said diocese, then a majority of the standing committee thereof, which consent shall be acknowledged,

or proved and recorded with such deed, lease, mortgage or instruments of conveyance, and without such consent, the alienation, grant, assignment, demise, lease or mortgage shall be null and void ; *provided, however,* that the provisions of this act shall not apply to alienations, conveyances, grants, assignments, demises or releases made by the rector or minister, wardens and vestrymen of any episcopal church, of lands held by them and to them belonging, and not used for their church-yard, burial-ground, or as a site for their Sunday-school, and any and all alienations, conveyances, grants, assignments, demises or leases heretofore made and executed, or hereafter to be made and executed by said trustees, of any lands or real church property not so used as aforesaid, without such consent as aforesaid, shall be as good and effectual in law as if the above act had not been passed, anything therein to the contrary in anywise notwithstanding.

2. *And be it enacted,* That this act shall take effect immediately.

Approved May 22, 1894.

## CHAPTER CCCXVI.

A Supplement to an act entitled "An act to provide for the more permanent improvement of the public roads of this state," approved April fourteenth, one thousand eight hundred and ninety-one.

Chosen freeholders may improve road within city, town or borough by consent of governing body of.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever there shall be presented to the board of chosen freeholders of any county a petition signed by the owners of at least two-thirds of the lands and real estate fronting or bordering on any public road or section of road in such county, not less than one mile in length, praying the board to cause such road or section thereof to be improved under the provisions of section seven of the act to which this is a supplement, and it shall appear that a part of the road or section thereof as designated in said petition, shall lie within the corporate limits of any city, town or borough in said county, it shall be lawful for the board of aldermen, council or other governing body of such city, town or borough to consent by resolution, adopted at a regular meeting of said board of aldermen, council or other governing body, that the said road or section thereof within the limits of the city, town or borough, shall be improved in the manner provided for in said act, and that the assessment provided for in the remaining sections of said act shall be collected by the collector of revenue or tax collector, or other officer empowered to collect taxes and assessments in said city, town or borough in the manner directed in said act; that a certified copy of the resolution of consent as aforesaid shall be filed with the county collector in his office, and upon such filing of such resolution the said board of chosen freeholders shall proceed with said improvement.

Certified copy of consent shall be filed.

When completed local municipality shall maintain and repair same.

2. *And be it enacted*, That when the said improvement shall be completed and finished the liability of the said board of freeholders over such part of said road as shall lie within said city, town or borough to maintain the same shall cease and determine the city, town or borough within



whose limits said road shall have been improved shall from thenceforth resume all control of said road within its jurisdiction that it possessed at the time said improvement was proposed, and the cost of the maintenance and all necessary repairs to said road within said limits shall be borne by said city, town or borough as heretofore.

3. *And be it enacted*, That all acts and parts of acts conflicting herewith shall be and the same are hereby repealed, <sup>Repealer.</sup> and that this act shall take effect immediately.

Approved May 22, 1894.

## CHAPTER CCCXVII.

A Supplement to an act entitled "An act concerning contagious and infectious diseases among animals and to repeal certain acts relating thereto," approved May fourth, one thousand eight hundred and eighty six.

WHEREAS, It is said that tuberculosis in cattle prevails in <sup>Preamble.</sup> some sections of this state, whereby the health of our citizens is imperiled; therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the president of the state board of agriculture shall appoint five persons, citizens and taxpayers of this state, who, together with himself and the secretary of the state board of agriculture, shall constitute a commission who shall, at the request of two members of the state board of health or the state dairy commissioner or any owner of suspected animals, investigate the existence of tuberculosis, or cause the same to be investigated, and if any such disease is found to exist, to enforce such regulations in relation to the same as the said commission may adopt. <sup>Commission shall be appointed to investigate and enforce regulations.</sup>

2. *And be it enacted*, That when any animal or animals shall be slaughtered by direction of said commission, the value of the same shall be ascertained and appraised by <sup>Value of animals slaughtered shall be appraised.</sup> three disinterested freeholders, resident in this state, who

Appraisalment  
limited.

shall make and sign certificates thereof in the presence of a witness who shall attest the same ; such appraisement shall be made on the basis of the market value of the animal or animals slaughtered, just prior to the time when they became so diseased, and shall be limited to the sum of one hundred dollars for registered animals and to forty dollars for all others ; one-half of the valuation so ascertained shall be paid by the state on the presentation of such certificate, with the approval of the said commission indorsed thereon, to the owner or owners.

Commission  
shall keep  
record and  
make report.

3. *And be it enacted*, That it shall be the duty of said commission to keep a full and complete record of all their proceedings under this act, and report the same annually to the state board of agriculture, and such a report shall be printed in and form a part of the annual report of the state board of agriculture.

Appropriation  
for expenses.

4. *And be it enacted*, That the sum of five thousand dollars is hereby annually appropriated to said commission to defray its expenses and the value of the cattle to be slaughtered by its direction ; *provided*, that no other compensation shall be allowed said commission than the expenses actually incurred in the execution of the duties hereby imposed.

Proviso.

Bills shall be  
audited and  
approved.

5. *And be it enacted*, That all bills for money expended under this act shall be audited by the comptroller of this state and then submitted to the governor for his approval, and after being thus audited and approved by the governor shall be paid by the state treasurer upon the warrant of the comptroller.

6. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved May 22, 1894.

## CHAPTER CCCXVIII.

An Act authorizing the lighting of public streets and places in the cities, towns, townships, boroughs and village of the state, and to erect and maintain the proper appliances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall hereafter be lawful for the common council, township committee or other municipal authorities of any city, town, township, borough or village in this state, authorized to act in such matters from time to time, and by ordinance or resolution, to order and cause any public street or streets, place or places, or any part or parts thereof, in any such city, town, township, borough or village, respectively, to be lighted with gas, electric lights or otherwise, and for that purpose to erect and maintain or cause to be erected and maintained all necessary and proper posts, poles, lanterns and fixtures on any or all of the public roads, streets, lanes or alleys, and to make and enter into any contract or contracts with any other party or parties, for any term or terms not exceeding five years, and to cause the annual expense thereof after being ascertained or determined by resolution of said council, committee or other municipal authorities, to be certified to the assessor or assessors of said city, town, township, borough or village; and that such annual expense shall thereupon be levied, assessed and collected from all the real and personal property in said city, town, township, borough or village, respectively, in the same manner, at the same time and under the same penalties (but without any extra compensation therefor) as the taxes for the working or repairing of roads or streets in such city, town, township, borough or village, respectively, are or may be; *provided, however*, that in making such assessment of the tax hereby authorized, the said assessor or assessors shall not be restricted or controlled in any way by any special act of the legislature heretofore passed, whereby the amount of any tax to be raised in any city, town, township, borough or village is limited to a cer-

Governing  
body may  
cause streets,  
&c., to be  
lighted.

May erect and  
maintain posts  
poles, &c.

May contract  
for with other  
parties.

Cost of shall  
be levied and  
collected by  
taxation.

Provided.

tain percentage upon the valuation of the assessed property therein.

Repealer.

2. *And be it enacted*, That any act or acts, or part or parts thereof, inconsistent with the provisions of this act, is and are hereby repealed in so far as it or they is or are inconsistent herewith, and that this act is hereby declared to be a public act and shall take effect immediately.

Approved May 22, 1894.

## CHAPTER CCCXIX.

An Act concerning corporations and benevolent associations.

Amount of property allowed to be held by increased.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That where the charter of any body corporate or of any benevolent association, by whatsoever name the same may be called or for whatsoever purpose the same may be incorporated, which provides by the charter of such corporation or of such benevolent association that such corporation or association shall not hold or own property exceeding in value the sum of ten thousand dollars, that it shall and may be lawful for such body corporate or such benevolent association to hold and own property not to exceed in value the sum of fifty thousand dollars.

May borrow money to improve property.

2. *And be it enacted*, That such body corporate or such benevolent association shall have full authority and power to improve such property and to borrow money for such purpose, and to give its corporate bond therefor, to be secured by mortgage in fee on such property so owned by such body corporate or such benevolent association.

3. *And be it enacted*, That this act shall be deemed a public act and to take effect immediately.

Approved May 22, 1894.

## CHAPTER CCCXX.

An Act relative to the construction, repair and management of buildings used in connection with the police department in cities of the first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of police commissioners or other board having charge of the police department in cities of the first class in this state, shall have the entire control and management of all the buildings owned or leased by such city and used in connection with the police department thereof; that said board shall keep and maintain all the buildings of said department in good order and repair, and make such alterations and additions thereto as may be necessary from time to time.

Police board of shall have control of building of department.

2. *And be it enacted*, That all unexpended appropriations heretofore made to any other board or department in said city for the repair of such police buildings shall forthwith be transferred upon the books of the city to the credit of said police board.

Unexpended appropriations shall be transferred to.

3. *And be it enacted*, That nothing in this act contained shall affect existing contracts made by such city for the repair of buildings for police purposes, and that the expenditures by said police board for any purpose herein authorized shall comply with the provisions of law now or hereafter in force fixing and limiting appropriations and their disposition.

Existing contracts shall not be affected.

4. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved May 22, 1894.

## CHAPTER CCCXXI.

A Supplement to an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four.

Section  
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirty-one of the act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four, be amended so as to read as follows :

Township  
committee  
may issue  
notes or bonds  
for.

31. *And be it enacted*, That the township committee of any township in this state is hereby authorized and empowered to borrow, upon the credit of the township, by the issuance of promissory notes or bonds of the inhabitants of such township, signed by the chairman of such committee and attested by the township clerk under the seal of the township, which bonds shall pledge the whole property of the township for the payment thereof, and especially pledge all receipts from assessments arising from sidewalk and crosswalk improvements under the provisions of said act, which bonds or notes shall bear interest at a not greater rate than five per centum per annum, and the interest on said bonds may be made payable semi-annually, and said bonds may be either registered or coupon bonds, as the township committee may direct, and said notes or said bonds may be made payable at such time as said township committee may direct, but no bond shall be issued for a longer period of time than ten years from its date, nor shall the same be negotiated at less than par.

Conditions of  
bonds.

May fund debt  
for crosswalks,  
&c., personally  
constructed.

2. *And be it enacted*, That in case any sidewalks or crosswalks have been heretofore laid by the township committee of any township in this state, and the assessment for the same has been laid against property in accordance with the provisions of the act to which this is a supplement, or any other act, that it shall be lawful for the township committee in any such township to issue its corporate bonds of the

character and in the manner in the first section provided for, and fund all sidewalk or crosswalk assessments at this date due and unpaid to such township, and in case of the issuance of such bonds, then and in that case the present assessments for sidewalks or crosswalks outstanding and now due and unpaid, shall be held by the commissioners of the sinking fund of such township, if such commissioners exist, or by such other officer as the township committee shall direct, as a sinking fund to meet and discharge any bonds issued in pursuance to the provisions of this section.

Present assessment shall be held by sinking fund.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 22, 1894.

## CHAPTER CCOXXII.

An Act in relation to assessments of taxes in cities, towns and townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities, towns and townships of this state that now have or may hereafter have block maps, it shall be the duty of the taxing officer or officers in all cases, in making their assessments for taxes upon real estate, to describe the same by block and lot numbers, as shown upon the assessment maps of such city, town or township.

Taxing officer shall describe real estate by block and lot numbers.

2. *And be it enacted*, That when any change occurs in the ownership of property in any such city, town or township it shall be the duty of the new owner to present his deed, or other evidence of title, to the officer, officers or department having charge of the assessment of taxes therein, that the change of ownership may be properly noted on the books and maps kept by the said taxing officer or officers.

Change of ownership shall be noted.

3. *And be it enacted*, That no register of deeds, county clerk or other officer, whose duty it shall be to record deeds,

Deeds shall be certified by officer before being admitted to record.

shall record any deed which conveys any property in cities, towns or townships of this state that now have or may hereafter have block maps, unless it shall be duly certified thereon that the same has been presented at the office of the officer, officers or other department having charge of the assessment of taxes, for the purpose of recording or noting such changes as may have been made thereby in the property lines and ownership of the property ; *provided*, that such officer, officers or other department having charge of the assessment of taxes shall have filed with the register of deeds, county clerk or other officer, whose duty it shall be to record deeds, a notice in writing, signed by such officer or officers, that such city, town or township has adopted block maps for the purposes of taxation ; *and provided further*, that nothing in this act shall prevent the recording of such deed in case a fee of twenty cents per folio for the abstract hereinafter mentioned is paid at the time any such deed is deposited for record to the register of deeds, county clerk, or other officer whose duty it is to record the same, upon which payment having been made, it shall be the duty of said register of deeds, county clerk or other officer, within five days thereafter, to present an abstract of such deed to the officer, officers or department having in charge the assessment of taxes, for the purpose of having such changes in lines of ownership as may be made thereby recorded or noted.

Proviso.

Proviso.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 22, 1894.



## CHAPTER CCCXXIII.

An Act to amend an act entitled "A supplement to an act entitled 'An act to authorize the issue of bonds to provide moneys for the erection of county lunatic asylum buildings in counties of this state,' approved June tenth, one thousand eight hundred and ninety," which supplement was approved May first, one thousand eight hundred and ninety-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the above mentioned act be and is hereby amended to be and to read as follows: Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the bonds authorized to be issued by the above-entitled act as amended, there may be and hereby is authorized to be issued for the purposes of affording, providing and constructing a suitable kitchen and engine-house or building to contain necessary steam or other power, machinery and things requisite and necessary to and for the proper operation, use and accommodation of the main building, authorized and provided for in the act to which this is a supplement, and to further provide for the making, erection and construction of such other adjoining or connecting out-houses or buildings as may be found or deemed to be necessary, with such steam and other pipe, sewer and other similar connections and communication, as may be essential and proper therefor, by the board of chosen freeholders authorized to provide for the erection of such main building, bonds of the character, denomination, tenor and effect of those heretofore authorized in and by such amended act, to which this is a supplement, except that it shall be unnecessary to state on the face of the bonds the purpose for which the same are issued beyond mention of this act of authority therefor, to an amount or sum not exceeding fifty thousand dollars; such bonds to be made, issued and sold as directed in such act, except as Bonds may be issued to provide for necessary building, &c.

Proviso.

may herein be directed to the contrary, and the moneys arising therefrom are to be used for the purposes above mentioned; *provided, nevertheless*, that any part, surplus or balance of such moneys that may not be needed for the purposes above mentioned may and hereby are authorized to be used for and towards completion of the main building above referred to, and such wings, parts or portions thereof as may now be incomplete or unfinished, or which it may be deemed necessary to add to, enlarge or extend.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 22, 1894.

#### CHAPTER CCCXXIV.

An Act concerning the power of boards of education to borrow money, issue bonds or incur indebtedness for the purchase of lands or the erection of school buildings.

Amount of indebtedness limited without consent of municipal governing body.

Proviso.

Repealer.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any board of education in any city of this state to borrow money, issue bonds or incur indebtedness in excess of five thousand dollars for the purpose of purchasing lands or erecting any school building, without the concurrence and approval first obtained of the common council, board of aldermen or other governing body of said city; *provided, however*, that the provisions of this act shall not apply to any school district wherein monies for school purposes are raised at an annual meeting of the voters thereof, and provided further that this act shall not apply to or affect any board of education the boundary lines of whose school district extend beyond the boundary lines of the town or city in which the school houses are located, into any adjoining township outside of the limits of such town or city.

2. *And be it enacted*, That all acts and parts of acts, general or special, so far as they are inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Passed May 23, 1894.

## CHAPTER CCCXXV.

An Act to enable cities of this state to improve any street or streets, or portion thereof, and to provide payment for the cost and expenses of such improvement.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any city within this state be and is hereby authorized to pave with Belgian block pavement, or of any other durable material, any street or streets, or portion thereof, and to provide for the payment of the costs and expenses of such improvement in manner hereinafter prescribed. Materials authorized.

2. *And be it enacted*, That whenever there shall be presented to the common council or other legislative body of any city a petition signed by the owners of at least three fifths of the lands and real estate fronting or bordering on any street or streets or portion thereof in such city not being less than two hundred yards in length, praying the common council or other legislative body to cause such street or streets or portion thereof to be improved under this act, the common council or other legislative body of said city may, by ordinance passed in accordance with existing charter provisions, designate the street or streets, or portion thereof, to be paved, the extent of the same and the material to be used, which ordinance shall be published as prescribed by any existing law ; such ordinance shall then be referred to the commissioners of assessments, or other proper officers of said city qualified by law to make assessments, who shall examine into the whole matter impartially, and to the best of their skill, judgment and ability, and who shall cause a survey and preliminary map to be made of said improvement, distinguishing each lot or parcel of land and real estate benefited by said improvement by number on said map, and they shall estimate the costs and expenses of such improvement according to the best of their judgment, and they shall assess such proportion of such costs and expenses as will be equal to the amount of benefits actually acquired by said lands and real estate from such Streets to be paved shall be designated.

Survey and map of improvement shall be made.

Costs and expenses shall be estimated and assessed according to benefits.

Report and map shall be filed and advertised

Governing body may proceed or refer report back for corrections.

Taxing officers shall apportion costs, &c., and file report and map.

Clerk shall notify owners of meeting to hear and consider objections.

improvement, proportioned equitably to the benefit each of said tracts or lots shall be deemed to acquire, and report the names of the owners of said lands and real estate, as far as practicable, with the amounts assessed to each, and shall file said report and map with the clerk of said city within forty days after such reference of said ordinance; the clerk shall give notice of any such report and map within ten days after the same shall be filed with him, in two official newspapers circulating in said city, and by five notices put up on the line of said improvement; and the common council or other legislative body of said city shall proceed forthwith to carry out said improvement, and may refer back said report and map to said commissioners of assessments, or other legally qualified officers, for alterations or corrections in matters of form and substance when they deem the same necessary.

3. *And be it enacted*, That such proportion of all such costs and expenses of such improvement as will be equal to the amount of benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of such tracts or lots shall be deemed to acquire, shall be assessed by the commissioners of assessments or other legally qualified officers, upon and paid by said lands and real estate, and the said commissioners or other legally qualified officers shall determine and report in writing to the said common council or other legislative body what proportion of such costs and expenses shall be assessed upon each separate lot or parcel of land, and shall accompany said report with a final map containing and delineating each lot assessed and the name of the owner or owners thereof, if practicable, which report and map shall be filed in the office of the city clerk, whereupon said clerk shall cause to be inserted in two newspapers circulating in said city, for at least two weeks successively, once a week, a notice of filing said report, and the city clerk shall mail a written or printed notice to each of the known owners of land to be assessed therefor, and he shall also put up five notices on the line of said improvement in said city, that the common council or other legislative body of said city, or a committee thereof, will meet at a time and place to be designated in said notice, to be at least ten days from the date of filing of said report, to consider said assessment, and to receive and consider all objections thereto which may be presented in writing; and the said common council or oth-

er legislative body shall have power to return said map and report for correction in matters of form and substance before confirming the same, and they shall refile it with the city clerk within ten days after it shall have been so referred back to them; and if the said common council or other legislative body shall, by resolution, confirm said assessment, but no such report or assessment shall be confirmed until the said improvement has been completed to the satisfaction of the said common council or other legislative body, and shall have by resolution approved the same, the said common council or other legislative body shall thereupon cause a certified copy of such report and the accompanying map to be forthwith delivered to the officer of such city charged with the duty of collecting taxes, who shall record the same in a book to be provided for that purpose at the expense of such city, and which shall be open to public inspection at all proper times; and such assessment shall, from the time of filing such transcript thereof, be a lien upon the lands and real estate therein mentioned paramount to any mortgage or other incumbrance previously existing, and notwithstanding alienation or transmission of title to said premises by the owner thereof.

Governing body may return report and map for correction.

When confirmed copy thereof shall be recorded.

Assessment shall be first lien.

4. *And be it enacted*, That the said officer having in charge the collection of taxes, upon receiving the said transcript of said report and map, shall immediately give notice thereof by mail to each person against whom there shall be any such assessment, if his address can be ascertained, and by publishing the same in two newspapers circulating in the said city and published in the county wherein said city shall be situated, for two weeks successively, once a week, which notice shall require payment of the amounts assessed by the owners of said land respectively, to be made to said collecting officer, the one-half thereof within sixty days after the date of the first publication of the said notice, and the remaining one-half thereof within ninety days after the date of said first publication.

Collector shall notify each owner and advertise assessment in newspapers.

5. *And be it enacted*, That if any such assessment shall not be paid within said term of ninety days from the said date of first publication, the said collecting officer shall proceed to collect the same, together with interest on said assessment at the rate of six per centum per annum from and after ninety days from the said date of first publication and the expenses of sale, by selling the said lands affected there-

On failure to pay, collector shall sell lands

by for the like term, upon the like advertisement and with the like effect as in case of sales for taxes in said city.

Governing  
body may issue  
bonds in an-  
ticipation of  
assessments.

6. *And be it enacted*, That the said common council or other legislative body shall have power to issue bonds bearing interest at not more than six per centum per annum in anticipation of the payment of the assessments, and when such assessments are paid they shall be credited to the street improvement account in any city where such an account exists, or other proper account, and where such accounts do not exist then and in that case such assessments, when so paid, shall be held inviolable for the payment of the bonds mentioned in this section.

May issue  
bonds to pay  
balance of  
costs and ex-  
penses.

7. *And be it enacted*, That the balance of such costs and expenses of such improvement, if any remaining unassessed, shall be a debt upon and paid by the city in manner following: the common council or other legislative body of said city may issue bonds of the said city to the amount of the balance of the costs and expenses of said improvement, which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding six per centum per annum, and to be issued in such sums as the common council or other legislative body of any such city shall by ordinance or resolution determine, which bonds shall be of the denomination of not less than fifty dollars nor more than one thousand dollars, and shall be executed under the corporate seal of said city and the signature of the mayor or other proper financial officer or officers of said city; the bonds issued by virtue of this section of this act shall be called road construction bonds, and shall have coupons attached for every half year's interest until due, or may be registered, at the option of the holder, which coupons, if attached, shall be signed by the said mayor or other proper financial officer or officers of said city and numbered to correspond with the bond to which they shall be respectively attached, and all the bonds issued under this section of this act shall be numbered and a register of such numbers, the date of issuing and the time of payment shall be made by the said mayor or the proper financial officer or officers of said city in the book to be provided for that purpose, which bonds shall be received by the city authorities for their face value and accrued interest in payment of any assessment imposed for the same improvement; *provided*,

Condition: of  
bonds.

Proviso.

that in order to redeem the bonds issued under the provisions of this section of this act at maturity it shall be the duty of the common council or other legislative body of said city to establish a sinking fund, which shall be created by a special tax of not less than one and one-half per centum per annum on the issue of bonds herein provided for in this section, to be raised in the annual tax levy.

8. *And be it enacted*, That the interest on the bonds authorized to be issued under this act shall be raised by a special tax annually levied and collected as other city taxes are now or may be hereafter levied and collected, and the whole of each year's interest shall be so raised, levied, collected and paid within each year, and the common council or other legislative body of said city may dispose of said bonds at either public or private sale for the best price that can be obtained for the same, but not at a less price than par value, and all moneys derived from the sale of said bonds shall be inviolably applied and used for purposes connected with said improvement.

Interest on  
bonds shall be  
raised by spe-  
cial tax.

Bonds shall  
not be sold at  
less than par

9. *And be it enacted*, That this act shall take effect immediately.

Passed May 23, 1894.

## CHAPTER CCCXXVI.

An Act to repeal chapter two hundred and fourteen of the laws of one thousand eight hundred and ninety-three, entitled "A supplement to the act entitled 'A supplement to the act entitled "An act to establish an excise department in cities of this state, passed April eighth, one thousand eight hundred and eighty-four, which supplementary act was approved February twenty-fourth, in the year of our Lord one thousand eight hundred and ninety-two," and which supplement was approved March seventeenth, one thousand eight hundred and ninety-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That chapter two hundred and fourteen of the laws of one thousand eight hundred and ninety-three, entitled "A supplement to the act entitled 'A supplement to the act entitled "An act to establish an excise department in cities of this state," passed April eighth, one thousand eight hundred and eighty-four,' which supplementary act was approved February twenty-fourth, in the year of our Lord one thousand eight hundred and ninety-two," and which supplement was approved March seventeenth, one thousand eight hundred and ninety-three, be and the same is hereby repealed.

2 *And be it enacted*, That this act shall take effect immediately.

Passed May 23, 1894.



## CHAPTER CCCXXVII.

A Further Supplement to an act entitled "An act respecting writs of error" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no writ of error shall be brought or lie to reverse any judgment of the supreme court rendered on any appeal heretofore taken or hereafter to be taken to said supreme court from the judgment of any circuit court in any case of contested election. writ shall not lie in contested election cases.

2. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act respecting writs of error' [Revision], approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four," which supplement was approved March fourth, one thousand eight hundred and ninety-one, be and the same is hereby repealed. Act repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Passed May 24, 1894.

## CHAPTER CCCXXVIII.

An Act to enable cities to construct sewers through ancient un navigable creeks or water courses.

Unnavigable  
water course  
may be used to  
carry inclosed  
sewer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of N w Jersey*, That in any city of this state, wherein any unnavigable creek or water course now exists, into which sewers of said city now empty, it shall be lawful for the official board of such city having the charge and control of sewers in such city, upon application in writing of fifty owners of land drained by such unnavigable creek or water course or sewer emptying into the same, to cause to be constructed through such ancient unnavigable creek or water course an inclosed sewer, connecting with the sewers emptying into such creek or water course, and from such point in such ancient creek or water course, or from such boundary thereof to such point in said creek or water course, or to such outlet of same, as shall be determined upon or as shall be set forth in said application, or to such outlet upon any of the tide-waters or other waters bounding upon such city into which the sewers thereof now enter and further to cause such ancient creek or water course to be thereupon filled up; *provided, however*, that such sewer shall be constructed so as not to empty into or permit directly or indirectly the passage thereby of sewage into any tide-water basin established by or under the authority of this state.

Proviso.

Proceedings  
thereon.

2. *And be it enacted*, That upon said application being filed with such board having charge of sewers in such city, said board shall thereupon proceed to act upon the same in the same manner as is now provided by law for proceedings to construct sewers in such city.

Benefits shall  
be assessed.

3. *And be it enacted*, That of a sum not exceeding one-half of the cost and expenses of such improvement, including the cost of real estate required therefor as hereinafter provided, there shall be assessed by the officers charged with the duty of making assessments in such city upon the property benefited thereby, such portion of said sum not exceeding one half of the cost of said improvement as will

be equal to the amount of the benefits acquired by said property, proportioned equitably to the benefits each piece of property shall be deemed to acquire; *provided*, that whenever the benefits of such improvement are extended to other property by the building of lateral sewers or connections, there shall in like manner be assessed upon such property a just portion of the costs and expenses of such improvement, which assessment may be made in connection with an assessment for such lateral sewers or as an independent assessment

4. *And be it enacted*, That the remainder of the costs and expenses of constructing such improvement, including the cost of real estate acquired therefor, shall be paid by the city, and such city may issue its bonds to the amount necessary to pay the same, which bonds shall be of such denomination, form, terms and conditions, and bear such rate of interest not exceeding six per centum per annum, as shall be determined by the legislative body of such city having charge of the finances thereof, and shall be executed under the common seal of the city and the signature of the mayor or other officers thereof.

5. *And be it enacted*, That when any such improvement shall be located upon any land other than public highways or streets, and such land or any easement, right or estate therein, shall be necessary for the construction of said improvement, then it shall be lawful for said city to acquire by purchase the said land in fee simple or by condemnation any easement or right therein if condemnation proceedings are necessary the proceedings for acquiring a right of way through such property shall conform to the proceedings now provided by law for the acquiring of land for the opening of streets in such cities; in case it shall be necessary to cross any lands of the state under water in construction of such improvement for the purpose of obtaining an outlet or otherwise, it shall be lawful to take and use such lands for that purpose; the money for such improvement may be raised by the sale of improvement certificates, or temporary loans issued according to the provisions of law governing said city, the issue and sale whereof, for the purpose of this act are hereby authorized.

6. *And be it enacted*, That all benefits which may be received from assessments made for connections with lateral sewers shall be paid, when received, to the commissioners

Proviso.

Remainder shall be paid by city.

City may issue bonds.

City may condemn lands for improvements.

May sell improvement certificates to pay for same.

Benefits for lateral sewers, &c., shall be paid to sinking fund.

Taxes shall be levied to pay principal of bonds.

Proviso.

of the sinking fund of such city for the redemption and payment of the bonds issued under the authority of this act, and in addition thereto there shall be placed in the tax levy of such city annually a sum not less than two per centum and not more than three per centum of the principal of such bonds, and the same, when collected, shall be paid into the same fund for the purpose ; *provided*, that this act shall not affect any existing suit.

7. *And be it enacted*, That this act shall take effect immediately.

Passed May 24, 1894.

## CHAPTER CCCXXIX.

An Act to amend an act entitled " An act relating to an appointment or election of the attorneys or solicitors in certain townships and municipalities in this state."

Section amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section first of an act entitled " An act relating to the appointment or election of attorneys or solicitors in certain townships and municipalities in this state," which act was approved April eighteenth, one thousand eight hundred and ninety-one, and which section reads as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every town, township, police, sanitary and improvement commission and borough in the counties of the second class in this state, the police justice, attorney or solicitor of said town, township, police, sanitary and improvement commission and borough, appointed or elected after the passage of this act, shall hold their office for the term of three years, and upon the election of said police justice, attorney or solicitor, the township committee or the governing board of the town, township commission or borough shall determine and fix the annual salary of said police justice, attorney or solicitor

during said term of office," be amended so that the same shall read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every town, township, police, sanitary and improvement commission and borough in the counties of the second class in this state, the police justice attorney or solicitor of said town, township, police, sanitary and improvement commission and borough appointed or elected after the passage of this act shall hold their office for the term of one year, and upon the election of said police justice, attorney or solicitor, the township committee or the governing board of the town, township commission or borough shall determine and fix the annual salary of said police justice, attorney or solicitor during the said term of office.

Tenure of office of certain officers limited

Salaries of shall be fixed.

3. *And be it enacted*, That this act shall take effect immediately.

Passed May 24, 1894.

## CHAPTER CCCXXX.

A Supplement to an act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective duties," approved March thirty-first, one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any nuisance or source of foulness within the limits of the territorial jurisdiction of any local board of health of this state is of such a nature that, in the opinion of the state board of health, it is hazardous to the health of persons residing within the limits of the jurisdiction of such local board, it shall be lawful for the state board of health to cause a notice in writing, signed by the secretary of said board, to be sent to such local board, requiring it to cause such nuisance or source of foulness to be abated within such time as said state board by said notice may specify, and if no action for the abatement

State board may abate nuisance within jurisdiction of local board.

therefor shall be taken by such local board within the time specified in such notice, or if in the opinion of the state board the action of the local board shall not be such as the necessities of the case seem to the state board to require, then it shall be lawful for such state board to file a bill in the court of chancery in the name of the state on the relation of such board, for an injunction to prohibit the continuance of such nuisance or source of foulness.

May file bill in chancery to abate outside nuisances.

2. *And be it enacted*, That whenever any nuisance or foul odors, injurious to the public health within the territorial jurisdiction of any local board of health, shall have a source or origin outside of the limits of such territorial jurisdiction, it shall be lawful for the state board of health to file a bill in the court of chancery, in the name of the state, on the relation of such board, for an injunction to prohibit the continuance of such nuisance or source of foulness or ill health.

Actions may have precedence.

3. *And be it enacted*, That actions instituted under the authority of either of the two preceding sections shall proceed in the court of chancery according to the rules and practice in such cases on the relation of individuals, and cases of emergency shall have precedence over other litigation pending at the time in said court, and may have final hearing within such time and on such notice as the chancellor may direct.

Court may issue injunction to abate nuisance.

4. *And be it enacted*, That in every such action in which it shall be ascertained by the court of chancery that such nuisance or source of foulness or ill health existed at the time of the filing of the bill substantially as therein set forth, the court shall have power to abate the same by an injunction or otherwise, according to the practice of the court, and may charge the costs of such action upon the property whereon such nuisance or source of foulness or ill health is found, and enforce the payment of the same by sale of said property or any part thereof by writ of fieri facias, or the said court may order the person or corporation which caused such nuisance or source of foulness or ill health, or allowed the same to continue, to pay such costs, and may enforce obedience to such order.

May sell property to pay costs.

When costs shall not be awarded.

5. *And be it enacted*, That in case no such nuisance shall be found to exist, costs shall not be awarded as of course against the state board of health, but only in case it shall appear to the chancellor that no probable cause existed for bringing such suit.

6. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

7. *And be it enacted*, That this act shall take effect immediately. Repealer.

Passed May 24, 1894.

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## CHAPTER CCCXXXI.

An Act supplementary to the act entitled "An act concerning corporations," [Revision], approved April seventh, one-thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing in the proviso contained in the tenth section of said act to which this is a supplement shall be construed to forbid the formation of companies under said section for the purpose of constructing, maintaining and operating railroads wholly in foreign countries. Proviso shall not apply.

2. *And be it enacted*, That this act shall take effect immediately.

Passed May 24, 1894.

## CHAPTER CCCXXXII.

An Act to prevent and punish fraud in sales of wearing apparel at public or private sales by itinerant venders and to regulate all such sales.

Construction  
of words  
"wearing app-  
arel."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "wearing apparel," for the purposes of this act, shall be construed to mean and include all kinds of clothing, underwear, hats and shoes.

Construction  
of words "itin-  
erant ven-  
ders."

2. *And be it enacted*, That the words "itinerant venders," for the purposes of this act, shall be construed to mean and include all persons, both principals and agents, who engage in a temporary or transient business in this state, either in one locality or traveling from place to place, selling wearing apparel as specified in section one of this act.

Act shall not  
apply to, &c.

3. *And be it enacted*, That this act shall not apply to sales made to dealers by commercial travelers or selling agents, in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample for future delivery, or to hawkers on the street, or to peddlers from vehicles or baskets or packs carried on back, or to sheriffs, constables or other public officers selling goods, wares and merchandize according to law.

Preamble.

4. *And be it enacted*, That whereas, certain evil disposed and irresponsible persons have been in the habit of engaging in business in this state as itinerant venders of wearing apparel, and by fraudulent and deceitful practices in advertising and conducting their business have greatly defrauded and damaged the people of the state ; now therefore,

Penalty for  
selling without  
license.

5. *And be it enacted*, That every itinerant vender who shall sell or expose for sale, at public or private sale, any articles of wearing apparel without state and local license therefor, issued as hereinafter provided, shall be guilty of a misdemeanor and shall be fined not more than fifty dollars, or imprisonment not more than sixty days, or both.

Penalty for  
selling by cir-  
cular, &c.

6. *And be it enacted*, That all persons, both principals and agents, who shall by circular, hand-bill, newspaper or any other manner advertise any such sales as referred to in



the section last preceding, before proper licenses shall be issued to the vender, shall be guilty of a misdemeanor and shall be fined not more than fifty dollars, or imprisoned not more than sixty days, or both.

7. *And be it enacted*, That it shall be the duty of every itinerant vender, whether principal or agent, before commencing business, to take out a state license and local licenses in the manner hereinafter set forth, but nothing herein contained shall affect the right of any municipal corporation to pass such additional ordinances relative to itinerant vendors as may be permissible under the general law, or under their respective charters.

8. *And be it enacted*, That every itinerant vender desiring to do business in this state shall deposit with the treasurer of the state the sum of five hundred dollars as a special deposit; and after such deposit, upon application in proper form and the payment of a further sum of twenty-five dollars as a state license fee, the state treasurer shall issue to him an itinerant vender's license, authorizing him to do business in this state in conformity with the provisions of this act for the term of one year from the date thereof; every license shall set forth a copy of the application upon which it is granted; such license shall not be transferable nor give authority to more than one person to sell goods as an itinerant vender, either by agent or clerk, or in any other way than in his own proper person, but any licensee may have the assistance of one or more persons in conducting his business, who shall have authority to aid their principal, but not to act for or without him.

9. *And be it enacted*, That all applications for licenses shall be sworn to, shall disclose the names and residences of the owners or parties in whose interests said business is conducted, and shall be kept on file by the state treasurer, and a record shall be kept by him of all licenses issued upon such applications; all files and records both of the state treasurer and of the respective town or city clerks, shall be in convenient form and open for public inspection.

10. *And be it enacted*, That before selling under said state license, every itinerant vender shall exhibit the same to the clerk of each town or city where he proposes to make sales, and upon payment to said clerk a further local license fee of five dollars, and the proof of payment of all such other license fees, if any, as are legally chargeable upon local

Itinerant vender shall take out state license.

Shall make deposit with state treasurer.

Shall pay license fee.

License not transferable.

Applications shall be sworn to and filed.

Files shall be open to public inspection.

Vender shall exhibit license to town or city clerk and pay license fee.

sales, the said clerk shall record the state license in full, shall indorse upon it the words "local license fees paid," and shall affix his official signature, together with the date of such indorsement; he shall then issue a local license authorizing sales within the limits of such town or city; any failure to obtain a local license and have proper indorsements made on the state license shall be subjected to the same penalty as though no state license had been issued.

Clerk shall  
issue local  
license.

Shall not ad-  
vertise certain  
sales without  
complying  
with certain  
conditions.

11. *And be it enacted*, That no itinerant vender shall advertise, represent or hold forth any sale as an insurance, bankrupt, syndicate, insolvent, assignee, trustee, estate, executor, administrator, receiver or closing-out sale, or as a sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form, unless he shall, before so doing, state, under oath to the state treasurer, either in the original application for a state license or in a supplementary application, subsequently filed and copied on the license, the details of said bankruptcy, insolvency, trusteeship, closing out, damage, and so forth, such details to include and cover all the facts relating to time, place, persons, and so forth, necessary to exactly locate and fully identify the same.

Licenses shall  
expire one  
year from date.

12. *And be it enacted*, That all state licenses issued by the treasurer under this act shall expire one year from the date thereof, and may be, if so desired, surrendered at any time prior thereto for cancellation; upon the expiration and return or surrender of each state license the treasurer shall cancel the same and indorse the date of delivery and cancellation thereon, and place the same on file; he shall then hold the special deposit of each licensee hereinbefore mentioned for the period of sixty days, and after satisfying any and all claims made upon the same as hereinafter provided shall return said deposit or such portion of the same, if any, as may remain in his hands to the licensee depositing it; each deposit made with the treasurer as aforesaid shall be subject, so long as it remains in his hands, to legal process in behalf of creditors whose claims arise in connection with the business of the licensee as an itinerant vender; such deposit shall also be subject to the payment of any and all fines or penalties incurred by the licensee through violation of this act, and the clerk of the court in which, or the trial justice by whom, such fine or penalty is imposed, or the officer or other person prosecuting for such fines or penalties shall thereupon notify the treasurer of the name of the

Treasurer shall  
hold deposit  
subject to  
claims.

Proceedings to  
recover fines  
and penalties.

licensee against whom such fine or penalty is adjudged and of the amount of such fine or penalty, and the treasurer, if he has in his hands a sufficient sum deposited by such licensee, shall pay the sum so specified to said clerk or trial justice, and if the treasurer shall not have a sufficient sum so deposited he shall make payment as aforesaid of so much as he has in his hands; all claims upon said deposit shall be satisfied after judgment, fine or penalty in the order in which notice of the claim is received by the treasurer, until all such claims are satisfied or the deposit exhausted, but no notice filed after the expiration of the sixty days' limit aforesaid shall be valid; no deposit shall be paid over by the treasurer to licensees so long as there are any outstanding claims or notice of claims against them respectively unless he is satisfied that such claims will not be prosecuted to final judgment or that no fine or penalty will be imposed; notice of claim under this section shall be in writing, and shall contain the names of the claimant and of the itinerant vender against whom the claim is made, the amount of the claim and the circumstances under which it arose and shall be verified by the oath of the claimant, and if the said claimant fails or neglects to commence an action to enforce his said claim within sixty days after the filing of the said notice he shall be deemed to have waived all claim on the fund aforesaid.

13. *And be it enacted*, That every person, either principal <sup>Penalties.</sup> or agent, who shall in any manner advertise any sale of goods, wares or merchandise to be conducted contrary to the provisions of this act, and every itinerant vender or his agent who shall conduct any sale or who shall sell or expose for sale any goods, wares or merchandise contrary to the provisions of this act is guilty of a misdemeanor and shall be further liable to the penalty of one hundred dollars; to be recovered by any person prosecuting the same, one-half of which shall be retained by such person, the remainder to be paid in for the use of the town, village or city where the penalty is incurred.

14. *And be it enacted*, That any false statement in an ap- <sup>Same penalties for false statements or failure to comply.</sup> plication, either original or supplementary, for a license and any failure on the part of the licensee to comply with the requirements of this act shall subject such itinerant vender to the same penalty as if he had no license.

Repealer.

15. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Passed May 24, 1894.

### CHAPTER CCCXXXIII.

A Further Supplement to an act entitled "An act to establish and organize the state reform school for juvenile offenders," approved April sixth, one thousand eight hundred and sixty-five.

Governor shall  
appoint trustees.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the governor, by and with the advice and consent of the senate, six persons as trustees who shall have the management and control of the state reform school for juvenile offenders, at Jamesburg, New Jersey, as hereinafter provided; the said trustees shall be appointed as follows: two for the term of one year, two for the term of two years, and two for the term of three years, and in case of vacancy from death, resignation or otherwise, the vacancy shall be filled for the unexpired term only; not more than three of the said trustees shall be of the same political party, either by original appointment or by appointment to fill vacancies.

Vacancies  
shall be filled  
for unexpired  
terms only.

Trustees shall  
appoint officers  
and teachers,  
and fix  
salaries, &c.

2. *And be it enacted*, That the said trustees shall have power to appoint a superintendent, a steward, and such other officers and such teachers, and to employ such persons as in their judgment the proper government of the said institution may require, and to determine the salaries and compensation that such officers, teachers and employes shall receive; and the said officers, teachers and employes shall severally perform the duties now imposed by law upon officers, teachers and employes of like grade in such school and such other duties as the said trustees shall prescribe.

Trustees shall  
hold monthly  
meetings.

3. *And be it enacted*, That the said trustees shall meet at the said institution within ten days after they shall have been duly qualified and at least once in each month there-

after on such days as shall be fixed by a majority of the board.

4. *And be it enacted*, That all the powers and duties exercised by the board of trustees under the act to which this is a supplement, and the several supplements thereto, shall be exercised by and imposed upon the trustees appointed under this act, so far as the same are not inconsistent with the provisions of this act. Duties of trustees.

5. *And be it enacted*, That upon the approval or passage of this act the term of office of the present board of trustees of the said reform school, together with all their powers, duties and emoluments, shall cease. Term of present trustees shall cease.

6. *And be it enacted*, That within thirty days after the first meeting of the board of trustees appointed under this act, the terms of all officers, and employes and female employes of the said school excepting teachers shall cease and the same shall be dismissed. Terms of officers and employes shall cease.

7. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer

Passed May 25, 1894.

## CHAPTER CCCXXXIV.

A Further Supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

School trustees shall designate census enumerators.

Inmates of poorhouses, asylums or almshouses shall not be included.

Absentees attending colleges, boarding schools, &c., shall be included.

Report of shall be verified by oath. State superintendent shall furnish blanks

Copy of report shall be filed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of school trustees, or other body having control of the schools in the respective school districts in the state, shall annually designate the district clerk, or some other suitable person or persons, to act as school census enumerators, who shall personally canvass the school, the school district or portion thereof for which they have been appointed, and take, in each year, during the month of May, an exact census of all children residing in the district between the ages of five and eighteen, not including the children who may be inmates of poorhouses, asylums or almshouses, and shall specify the names and ages of such children and the names of their parents or guardians (all children who may be absent from home attending colleges, boarding-schools and private seminaries of learning shall be included in the census list of the city, town or district in which their parents or guardians reside, and not be taken by the district clerk or other person or persons appointed to take the census in the city, town or district where they may be attending such institutions of learning); and the person or persons authorized to take the same shall make a full report thereof, verified by him or them under oath or affirmation that the same is correct and true to the best of his knowledge and belief, on the blanks furnished for that purpose, to the state superintendent of public instruction, on or before the fifteenth day of June next, after the taking of such census, and shall file a copy of the same with the board of school trustees, board of education, board of school commissioners or other body having charge and control of the schools, for the use of the district, and said district clerk or other person or persons appointed as aforesaid, making and reporting said census shall be entitled to

such compensation, not exceeding five cents for the name of each child on said census list, as the board of school trustees, board of education, board of school commissioners, or other body having charge and control of the schools may allow, which compensation shall be paid by the district on the certificate of the state superintendent of public instruction. Enumerator shall be compensated.

2. *And be it enacted*, That when satisfactory evidence is presented to the state superintendent of public instruction that the census of any district or any portion thereof has been incorrectly taken or reported, as provided in this act, or when he has reason to believe that the same is incorrect, he shall return the report to the enumerator for correction; *provided*, that in case any enumerator shall neglect or refuse to make such correction as is necessary to secure an accurate census, it shall be the duty of the state superintendent of public instruction to designate a suitable person, who shall be a resident of the district for which he is appointed, to act as enumerator in the place of the enumerator whose report was found to be inaccurate, and the person so appointed shall take the said census, and the said census so taken shall be deemed the census of such district and shall be used in place and stead of the census taken under the provisions of the first section of this act, and the person or persons appointed by him shall receive such compensation as he may deem proper, not exceeding five cents a name, which compensation shall be paid by the district, if it appears that the census taken under the provisions of the first section of this act was incorrect, but if the census so taken is found to be correct, then and in that case the compensation for retaking the census shall be paid from the income of the school fund, on warrant of the state comptroller, on bills duly certified to him by the state superintendent of public instruction. State superintendent may return report for correction. Proviso.

3. *And be it enacted*, That the state board of education, on the first Tuesday in December next, and every two years thereafter, shall appoint a suitable person who shall have charge, under the direction of the state superintendent of public instruction, of all the details connected with the taking of the annual school census; and the person so appointed shall hold his office for the term of two years, unless sooner removed for inefficiency by the state board of education, and he shall be paid an annual compensation State board shall appoint superintendent of school census.

of fifteen hundred dollars, which compensation shall be paid out of the income of the school fund.

Act shall apply  
to all school  
districts.

4. *And be it enacted*, That the provisions of this act shall apply to all districts in this state whether acting under the provisions of the act to which this is a supplement, or under any special charter, or the charter of any city, town, borough or other municipality.

When act shall  
take effect.

5. *And be it enacted*, That this act shall take effect on the first day of December, one thousand eight hundred and ninety-four, at which time any and all methods provided by law for taking the annual school census shall be abolished, and the terms and duties of all persons appointed under the provisions of any other act or acts to take or supervise the school census shall cease.

Passed May 25, 1894.

## CHAPTER CCCXXXV.

An Act to amend an act entitled "An act to establish a system of public instruction," [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section  
amended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section twenty-three of an act entitled "An act to establish a system of public instruction," [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:

County super-  
intendent shall  
issue orders on  
county collec-  
tor.

23. *And be it enacted*, That he shall issue orders on the county collector in favor of each township collector or receiver of taxes, and of each city treasurer, for that portion of the state appropriation to which said township, city, town or borough is entitled.

Section  
amended.

2. *And be it enacted*, That section twenty-four of said act be and is hereby amended so as to read as follows:

Shall examine  
and license  
teachers, &c.

24. *And be it enacted*, That he shall examine and license teachers and discharge other duties of general supervision



and superintendence over the public schools of the county, in accordance with the regulations prescribed from time to time by the state board of education

3. *And be it enacted*, That section twenty-five of said act be and is hereby amended so as to read as follows : Section amended.

25. *And be it enacted*, That he shall have power, and it shall be his duty, to appoint trustees for any district which, for any cause, fails to elect at the regular time and to appoint trustees to fill vacancies ; *provided*, the terms of office of trustees so appointed shall expire at the next regular election for school trustees, and that the trustees elected to fill vacancies shall be elected for the unexpired term. Shall appoint trustees.

4. *And be it enacted*, That section thirty-one of said act be and is hereby amended so as to read as follows : Section amended.

31. *And be it enacted*, That an annual meeting for the election of school trustees shall be held in each district, on the third Tuesday in March, at the school-house or in such other convenient public place within the district as may be selected by the board of education, and notices thereof, specifying the day, time, object and place of such meeting, shall be posted on each school house within the district, and at such other public places as shall be deemed necessary, at least ten days before the date of such meeting ; *provided*, that not less than seven notices shall be posted in each district, and that a copy of such notice shall be printed in such papers published in the county as are designated, for the time being, to print the pamphlet laws, in the last issue of such papers printed prior to the third Tuesday in March ; the voters shall be the legal voters of the district, and a plurality of votes shall elect ; and no person shall be eligible to the office of trustee unless he or she is above twenty-one years of age, is a resident of the district and can read and write ; any district clerk who shall fail to post and cause to be printed notices of the election of trustees, as required by this section, shall pay a fine of twenty dollars, to be recovered in an action of debt in the court for the trial of small causes, by any person resident of said school district. Trustees shall hold annual meeting.

5. *And be it enacted*, That section thirty-four of said act be and is hereby amended so as to read as follows : Notice of shall be posted.

34. *And be it enacted*, That each board of education created under the provisions of this act shall organize within ten Proviso.

Penalty for failure to post notices.

Section amended.

Board shall organize.

Failure to organize superintendent shall appoint.

Section amended.

Powers and duties of board.

days after the annual election, by the election of one of its members as president and one of its members as district clerk, and shall have the power to fix the compensation of said clerk, and on its failure to organize the county superintendent shall appoint such president and district clerk.

6. *And be it enacted*, That section thirty nine of said act be and is hereby amended so as to read as follows;

39. *And be it enacted*, That the board of education shall have power, and it shall be its duty;

I. To employ and dismiss teachers, janitors, mechanics and laborers, and to fix, alter and order paid their salaries and compensations;

II. To make and enforce rules and regulations, not in conflict with the general regulations of the state board of education, for the government of schools, pupils and teachers;

III. To erect, enlarge or improve school buildings and grounds, and purchase, lease, mortgage or sell school lots or school buildings; to borrow, with or without mortgage, and to raise money by taxation for any such purpose, or to pay debts incurred therefor or for the current expenses of the schools; *provided*, that for any such acts they shall have the previous authority of a vote of the district;

IV. To rent, furnish and repair school buildings and keep the same insured;

V. To purchase personal property, and to receive, lease and hold in fee, in trust for the district, any and all real or personal property for the benefit of the schools thereof;

VI. To enforce the regulations prescribed by the state board of education, and, in connection with the county superintendent, to prescribe the course of study to be pursued and a uniform series of text-books to be used in the school or schools under their charge;

VII. To suspend or expel pupils from school;

VIII. To provide text books and other necessary school supplies and loan the same free to all the pupils in the schools under their control;

IX. To call a special meeting of the legal voters of the district at any time when, in the judgment of the trustees, the interests of the school may require it, which meeting shall be called in the manner provided in section eighty-six of this act, and no business shall be transacted at such

special meetings except such as has been set forth in the notices by which said meeting was called;

X. To call a special meeting of the legal voters of such district whenever one-fourth of such legal voters shall request them by petition so to do; and in the notices calling such special meeting shall be inserted the purpose or purposes named in said petition, so far as the same are not in conflict with the school laws of this state;

XI. To permit a school-house to be used for other than school purposes when a majority of the trustees shall consent thereto at a regularly-called meeting of the board of education;

XII. To make an annual report, on or before the first day of August, to the county superintendent, in the manner and form prescribed by the state superintendent of public instruction.

7. *And be it enacted*, That section twenty-seven of said act be and is hereby amended so as to read as follows: Section amended.

77. *And be it enacted*, That for the purpose of maintaining free public schools there shall be assessed, levied and collected annually, upon the taxable real and personal property in this state, as exhibited by the latest abstract of ratables from the several counties, made out by the several boards of assessors and filed in the office of the comptroller of the treasury, a state school tax equal to five dollars for each child in this state between the ages of five and eighteen years, as exhibited by the next preceding school census, which tax shall be assessed, levied and collected at the same time and in the same manner in which other taxes are assessed, levied and collected. Tax to be assessed and collected.

8. *And be it enacted*, That section eighty-one of said act be and is hereby amended so as to read as follows: Section amended.

81. *And be it enacted*, That it shall be the duty of the county superintendent of each county, on or before the fifteenth day of May, to apportion annually, to the districts of his county the state school moneys, together with the interest of the surplus revenue belonging to said county, in the following manner: How school money shall be apportioned

I. He shall apportion to each district a sum equal to two hundred dollars for each teacher employed in the public schools of such district for the full time for which the schools in such district were maintained during the year next preceding such apportionment;

II. He shall apportion to each district one-half of the remainder of the school moneys belonging to his county on the basis of the aggregate days' attendance of all the children enrolled in the school registers as ascertained from the last published report of the state superintendent ;

III. He shall apportion to each district the remainder of the school moneys belonging to his county on the basis of the last published school census.

Section amended.

9. *And be it enacted*, That section eighty-three of said act be and is hereby amended so as to read as follows:

County collector shall pay only on order of superintendent.

83. *And be it enacted*, That the county collector of each county shall receive and hold in trust that part of the state appropriation belonging to his county, and shall pay out the same to the collectors of the several townships and boroughs, and to the city treasurers of his county, only on the orders of the county superintendent.

Section amended.

10. *And be it enacted*, That section eighty-four of said act be and is hereby amended so as to read as follows:

Township collector shall hold moneys and disburse same on orders &c.

84. *And be it enacted*, That it shall be the duty of the township collector to receive and hold in trust all school moneys belonging to the township, whether received from the state appropriation, from district tax or from other sources, and to pay out the same only on the orders of the district clerks, each of which orders shall specify the object for which it is given, and shall be signed by the president of the board of education and by the district clerk, and shall be made payable to the order of and be indorsed by the person entitled to receive it, and he shall pay over any

Shall pay balance to successor.

balance of school funds remaining in his hands to his successor in office, and he shall, in the book provided for that purpose by the state superintendent, keep a record of the sums received and paid out by him, and he shall present his accounts to be examined and settled by the township committee at the close of the school year, a copy of which settlement, certified by the committee, showing the amounts received, the amounts expended by him for school purposes during the year, and the balance remaining in his hands, he shall transmit within ten days to the county superintendent

Shall keep record of.

Shall present account for examination

and shall file another copy of the same with the district clerk ; he shall also exhibit to the county superintendent, when requested so to do, his book of accounts and the vouchers in his hands, and as compensation for such service he shall be entitled to one and one-half per centum on all

And file copy with district clerk.

Shall exhibit book, vouchers &c. to superintendent.

Compensation.

school funds paid out by him on the orders signed by the president and district clerk of the board of education, which compensation shall be paid by the township committee from the funds of the township; *provided*, that when the term of office of any township collector shall expire before the close of the school year, such township collector shall remain and continue to be the custodian of the school moneys and shall pay the orders legally issued as aforesaid until the close of the school year, and his bondsman shall remain and be legally bound for the faithful performance of his duties until the final settlement of his accounts; *and provided further*, that where there is a borough situated in a township, and said borough is a separate and distinct school district, the borough collector shall be the legal custodian of the school moneys belonging to the borough, and shall perform the same duties and be entitled to the same compensation, to be paid from borough funds; but if such borough collector is paid a stated salary by the borough for the performance of his duties as borough collector, then and in that case he shall not be paid any additional compensation for paying out the school moneys belonging to the borough.

Proviso.

Proviso.

11. *And be it enacted*, That section eighty-six of said act be and is hereby amended so as to read as follows:

Section amended.

86. *And be it enacted*, That in addition to the moneys apportioned to it by the county superintendent, each school district may raise by tax such other sums of money as it may need for school purposes, in the following manner: the legal voters of such district are hereby authorized and required, at the meeting for the election of trustees, to determine what amount of school tax, if any, shall be levied upon the district, and in the notices calling said meeting shall be inserted the amount of money desired to be raised; and the legal voters, so met, shall have power, by a consent of a majority of those present, to authorize the board of education to purchase land for school purposes, to build, enlarge, or repair a school-house or school-houses, to borrow money therefor, or to sell or mortgage a school-house or school houses, and to raise by taxation for these purposes, or to pay a debt of the district incurred for such purposes, and for the current expenses of the school or schools, such sum of money as a majority of the legal voters so assembled shall agree to; and in case any money shall be ordered to be raised by taxation, the district clerk shall

District may raise other moneys by tax.

Mode of procedure for.

make out and sign a certificate thereof, under oath or affirmation, that the same is correct and true, and deliver the same to the assessor, and shall send a duplicate of said certificate to the county superintendent, and the assessor shall assess on the inhabitants of the school district and their estates, and the taxable property therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised by the said meeting in the manner aforesaid; and said money shall be assessed, levied and collected; and it shall be the duty of the collector to collect and hold all taxes so assessed, and he shall pay out the same on orders signed by the president and district clerk of the board of education; *provided*, that whenever any meeting shall be held as aforesaid at the call of the trustees, as provided in the ninth and tenth divisions of the thirty-ninth section of this act, it shall not be lawful for such meeting to order a greater sum of money raised by a special tax than shall have been mentioned and designated in the notices of such meeting set up in the manner required by law.

Section  
amended.

Forfeit for mis-  
use of school  
money.

Proviso.

School districts  
of townships  
shall be con-  
solidated.

12. *And be it enacted*, That section ninety-two of said act be and is hereby amended so as to read as follows:

92. *And be it enacted*, That in case any school district shall use any of the school money received by it, except such as may be raised within the district, for any other purpose than the payment of teachers' salaries and fuel bills, such district shall forfeit out of the next annual appropriation a sum equal to twice the amount thus used, and it shall be the duty of the county superintendent to re-appportion the money thus forfeited among the other districts of his county; *provided*, the state superintendent may remit such penalty for cause.

13. *And be it enacted*, That the several school districts in each township shall be consolidated into one school district, and that the property, real and personal, of said several school districts shall become and be the property of the consolidated district, in its corporate capacity, and shall be held in its corporate name, and the several obligations and debts of said districts, whether secured by bonds or otherwise, shall be assumed by and shall become the obligations and debts of said consolidated district.

14. *And be it enacted*, That in any township, city, town, borough or other municipality acting under the provisions

of this act, which is not divided into wards, there shall be a school board consisting of nine trustees, all of whom shall be elected at the annual school meeting next after the passage of this act; at the first meeting of said trustees they shall proceed by lot to divide themselves into three classes of three members each, who shall hold office for one, two and three years respectively; and annually thereafter three trustees shall be chosen at each annual school meeting, who shall hold office for the term of three years.

Municipalities not divided into wards shall elect board of school trustees.

15. *And be it enacted*, That in any township, city, town, borough or other municipality which is divided into wards there shall be a school board consisting of two trustees from each ward, all of whom shall be chosen at the annual school meeting next after the passage of this act, and at such election one person shall be chosen from each ward to serve for a term of one year, and one person to serve for a term of two years, and annually thereafter one person shall be chosen from each ward to serve for the term of two years.

Municipality divided into wards shall elect school board by wards.

16. *And be it enacted*, That the terms of office of the school trustees now in office shall expire on the first day of July next, and that it shall be the duty of the county superintendents of the several counties in this state to designate the time and place in each district for holding a special election for the selection of trustees, in accordance with the provisions of sections fourteen and fifteen of this amendatory act, and that it shall be the duty of the several district clerks now in office to post three notices in public places within their respective districts (one of which shall be the school-house, if there be one), stating the time, place and object of said meeting; and it shall be the duty of the state superintendent of public instruction to cause to be printed in each paper designated to print the session laws a notice of said meeting; and such election shall be taken to be the annual election for the year one thousand eight hundred and ninety-four; *provided*, that in any township, city, town, borough or other municipality now having a board of school trustees organized as provided in sections fourteen and fifteen of this amendatory act, the terms of office of such trustees shall not terminate, but such trustees shall continue in office for the terms for which they were severally elected; *and provided further*, that the election provided for in this section shall be held within thirty days after this act takes effect.

Terms of present school boards shall expire.

Districts shall hold special elections for trustees.

Shall advertise notice in newspapers.

Proviso.

Proviso.

Trustees shall  
be a body cor-  
porate.

17. *And be it enacted*, That the trustees elected as provided for in sections fourteen and fifteen of this act, shall be a body corporate, and shall be called and known as "the board of education of the township (city, town, or borough, as the case may be) of \_\_\_\_\_, in the county of \_\_\_\_\_."

Elections shall  
be by ballot.

18. *And be it enacted*, That all elections for school trustees shall be by ballot, that the legal voters shall appoint two tellers, who shall receive the votes, and with the chairman of the meeting shall count the ballots, and it shall be the duty of the secretary of the meeting to record the name of each person voting at such meeting; the polls for such election shall remain open at least one hour, and as much longer as may be necessary to enable all the legal voters present to cast their ballots; the ballots may be either printed or written, and in case a trustee is to be elected to fill an unexpired term, the ballots shall designate which of the persons voted for is for the full term and which for the unexpired term.

Legal voters  
may authorize  
board of edu-  
cation to pur-  
chase land, &c.,  
and to issue  
bonds.

19. *And be it enacted*, That it shall and may be lawful for the legal voters, either at the annual meeting or at a special meeting called for that purpose, by the consent of a majority of those present, to authorize the board of education, for the purpose of purchasing land for school purposes or for the purpose of building a school-house or school-houses, or making additions, alterations, repairs or improvements in or upon such school-house or school houses already erected, and the lands upon which the same are located, to issue bonds of the district in corporate name of the district in such sums and in such amounts, and payable at such times as the legal voters so met may direct, with interest at a rate not exceeding six per centum per annum, payable half yearly; which bonds shall be signed by the president of the board of education and attested by the district clerk, and shall bear the seal of the district, and said bonds shall have coupons attached for current payment of interest, which coupons shall be signed by the district clerk and shall be numbered to correspond to the bond to which they are attached; and any bonds so issued shall be numbered and a proper registry thereof kept by the district clerk; and such bonds may be sold at public or private sale for the best obtainable price, but not less than par; said bonds shall be a lien upon the real and personal estates of the inhabitants of the district, as well as the property of the district, and the



property of the inhabitants, as well as the property of the districts, shall be liable for the payment of the same; and in all cases copies of all papers and proceedings authorizing the issue of such bonds shall be submitted to the attorney-general for his approval of the legality of the same, and duplicate copies of such papers and proceedings shall be sent to the state superintendent of public instruction.

Bonds shall be approved by attorney general.

20. *And be it enacted*, That whenever any district shall order and authorize the issue of bonds, it shall be the duty of the district clerk, each and every year, to issue the warrant of the district, signed by the president of the board of education and attested by the district clerk, to the assessor of the township, directing him to assess upon the inhabitants of said township and their estates, and the taxable property therein, an amount sufficient to pay the bond or bonds maturing in such year, together with the interest accruing upon the whole issue of the unpaid bonds of such district, which warrant so issued as aforesaid shall be duly executed by him, and the moneys so assessed, levied and collected shall be held by the township collector, and said collector shall, upon the receipt of the orders of the board of education, signed by the president and attested by the district clerk (which orders shall state at what bank the said principal and interest is payable), deposit in such bank the sum of money necessary to pay the principal and interest as they become due and payable.

Board of education shall direct assessor to assess amount necessary to pay interest and principal of bonds.

Township collector shall deposit money for principal and interest of bonds.

21. *And be it enacted*, That all children shall be required to attend the schools in the district in which they reside; *provided*, that any child living remote from any public school in the district in which he resides may be allowed to attend the public schools in an adjoining district, but only with the consent of the county superintendent, which consent must be in writing, and one copy thereof filed with the district clerk of the district in which such child resides, and one copy filed with the district clerk of the district in which such child attends school; and in case the districts are not in the same county, the consent of the superintendent of each county must be obtained; *and provided further*, that the money apportioned to the district for such child on the basis of the school census shall be paid over by the township collector of the township in which such child resides to the township collector of the township in which such child attends school on the order of the county superintendent.

Children shall be required to attend school.

Proviso

PROVISO.

District may  
raise money to  
transport chil-  
dren to school.

22. *And be it enacted*, That when in any district there are children living remote from the school house, and who are unable on that account to attend such school, such district may order raised by special district tax an amount of money sufficient to enable the board of education to transport such children to and from the school, under such rules and regulations as may be deemed necessary by the board of education of such district; that the moneys expended in accordance with the provisions of this section shall be entered as a separate item in the accounts kept by the district clerk, and that the total sum expended for the purpose of transporting such children shall not exceed the amount ordered to be raised for said purpose.

Act shall apply  
to all districts.

Proviso.

23. *And be it enacted*, That this act shall apply to all districts in this state receiving any portion of the state school moneys; *provided*, that in any district acting under a special charter, or under the provisions contained in the charter of any city, town, borough or other municipality, this act shall apply only so far as it is consistent with the provisions of such charter, and that all such charters shall remain and be in full force and effect the same as if this act had not been passed.

City, borough,  
&c., shall be  
separate dis-  
trict.  
Proviso.

24. *And be it enacted*, That each city, borough and incorporated town shall be a school district, separate and distinct from the township school district; *provided*, that whenever any borough or any district acting under a special charter, or under the provisions contained in the charter of any city, town, borough or other municipality, desires to consolidate with the township and form but a single school district, such consolidation shall take effect when the board of education of such borough or district shall file with the county superintendent a certificate that at a meeting of the legal voters of such borough or district a majority of the legal voters present voted in favor of such consolidation, which meeting shall be specially called for that purpose by the board of education in the manner provided for calling other special meetings of the legal voters of the district.

Word "dis-  
trict" defined.

25. *And be it enacted*, That wherever the word "district" is used in this act, or in the act to which this is an amendment, it shall be taken as applying only to districts constituted as provided in sections thirteen and twenty-four of this act.

26. *And be it enacted*, That in any district as now consti-

tuted, where there has been ordered a special district tax, which tax has not yet been collected. such tax shall be assessed, levied and collected on the district as now constituted, and that the moneys collected from such tax shall be expended by the board of education solely for the benefit of the school or schools for which it was ordered to be raised, and for no other purpose whatsoever.

27. *And be it enacted*, That the school-houses, lands, apparatus and other property owned by the school districts hereby abolished, shall immediately after the passage of this act, be appraised by the assessors of the several townships; in making said appraisement, the amount of debt incurred by any district for the purchase of lands, apparatus and other property, or for the erection of a school-house or school-houses, which debt is unpaid at the time of making such appraisement, shall be deducted from the appraised value of such property; one copy of said appraisement shall be filed with the county superintendent, one copy with the district clerk of the consolidated district, and one copy with the township collector, and at each assessment for special school tax thereafter (until the whole amount is remitted), there shall be remitted to the taxpayers of each of said districts one-tenth of the said appraised value of the property of the school district in which such taxpayers reside or own property; *provided*, that in case any such district is situated in two or more townships, the assessors of said township shall jointly make said appraisement, and shall determine the part thereof belonging to each of said townships, and each township shall remit to the taxpayers in its part of such district the part so determined, in the same manner as in case of districts wholly within a single township; *and provided, further*, that in case any such district is situated in two or more boroughs, or partly in a borough and partly in a township, said appraisement shall be made by the several borough assessors or by the borough and township assessors (as the case may be) in the manner aforesaid.

Special tax uncollected shall be assessed, collected and on district as now constituted.

Property of school district abolished shall be appraised and debts deducted.

Copy of appraisement shall be filed.

One-tenth of appraisement shall be remitted at each assessment.

Proviso.

Proviso.

28. *And be it enacted*, That sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-seven, thirty-eight, forty, sixty-one, eighty-five, eighty-eight, eighty-nine and ninety-one of the act to which this is an amendment be and the same are hereby repealed.

Sections repealed.

29. *And be it enacted*, That the supplements to the act to

Supplement  
repealed.

which this is an amendment, which supplements were approved March seventh, one thousand eight hundred and seventy six; May eleventh, one thousand eight hundred and eighty-six; March first, one thousand eight hundred and eighty eight; April twenty-third, one thousand eight hundred and eighty-eight; February twenty-first, one thousand eight hundred and eighty-nine; March twelfth, one thousand eight hundred and ninety; March thirty first, one thousand eight hundred and ninety; February twenty-third, one thousand eight hundred and ninety-one, be and the same are hereby repealed.

Apportion-  
ment for  
current year  
shall be made  
and used as  
heretofore.

30. *And be it enacted*, That the apportionment of school moneys for the year one thousand eight hundred and ninety four be made by the county superintendents in the same manner as heretofore, and that the moneys apportioned to the several districts shall be used for the current expenses of the schools in the township in which said districts are situated.

Repealer.

31. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect on the first day of July next.

Approved May 25, 1894.

## CHAPTER CCCXXXVI.

A Further Supplement to an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the county superintendent of each county, on or before the fifteenth day of May, to apportion annually to the districts of his county the state school moneys, together with the interest of the surplus revenue belonging to said county, in the following manner:

County superintendent shall apportion school money.

I. He shall apportion to each district a sum equal to two hundred dollars for each teacher employed in the public schools in such district for the full time for which the schools in such district were maintained during the year next preceding such apportionment;

II. He shall apportion to each district the remainder of the school moneys belonging to his county on the basis of the last published school census.

2. *And be it enacted*, That the provisions of this act shall not apply to the apportionment of the school moneys for the school year beginning July first, one thousand eight hundred and ninety-four.

Act shall not apply to current year.

Approved May 25, 1894.

## CHAPTER CCCXXXVII.

An Act fixing the terms of members of the board of excise and prescribing the method of their appointment and removal in certain cities of the second class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class wherein members of the board of excise are now appointed by the common council, city council, board of aldermen or other governing body of said city, it shall hereafter be lawful for the mayor of any such city to appoint the members of the board of excise in and for such city, such board to consist of three persons, no more than two of whom shall be members of the same political party, and they shall hold office for the term of three years from and after the day when the fiscal year of said city begins; subject, however, to be sooner removed by the mayor; *provided, however*, that the members of the first board of excise to be appointed under this act shall be appointed for the terms of one, two and three years respectively, and thereafter each appointment shall be for the term of three years, except to fill a vacancy, and in such case the appointment shall be for the unexpired term only.

2 *And be it enacted*, That the terms of office of the persons now holding said office of member of the board of excise in such cities shall expire on the first day of July, one thousand eight hundred and ninety-four; and all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect on the first day of July, one thousand eight hundred and ninety-four, but shall not go into force in any city until adopted by the votes of at least a majority of all the members of the common council, city council, board of aldermen or other governing body of such city.

Mayor shall  
appoint board.

Board shall be  
non-partisan.

Proviso.

Terms of exist-  
ing boards  
shall cease.

Repealer.

Act shall not  
go into force  
until adopted  
by governing  
body.

Passed May 25, 1894.

## CHAPTER CCCXXXVIII.

A Further Supplement to an act entitled "An act to regulate elections," approved the sixteenth day of April, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the house of representatives of the United States, this state shall be divided into eight districts, as follows, namely :

Congressional  
Districts  
divided.

First. The counties of Camden, Cumberland, Cape May, Gloucester and Salem shall constitute and be called the first district.

Second. The counties of Atlantic, Mercer, Burlington and Ocean shall constitute and be called the second district.

Third. The counties of Somerset, Middlesex and Monmouth shall constitute and be called the third district.

Fourth. The counties of Sussex, Warren, Hunterdon and Morris shall constitute and be called the fourth district.

Fifth. The counties of Passaic and Bergen shall constitute and be called the fifth district.

Sixth. The city of Newark and the township of East Orange in Essex county shall constitute and be called the sixth district.

Seventh. All of the county of Hudson, excepting the city of Bayonne, shall constitute and be called the seventh district.

Eighth. The county of Union, the city of Bayonne in Hudson county and all of the county of Essex, excepting the city of Newark and the township of East Orange, shall constitute and be called the eighth district.

2. *And be it enacted*, That each of the said districts shall elect one person to represent this state in the house of representatives of the United States, which election shall be held on the Tuesday next after the first Monday in November, in the year one thousand eight hundred and ninety-four, and on the Tuesday next after the first Monday in

When election  
shall be held.

November in each second year thereafter until it shall be otherwise provided by law.

Reference to  
municipalities  
defined.

3. *And be it enacted*, That in the interpretation of this act, all references to counties, cities, townships or other municipal divisions shall be taken to refer to such municipal divisions as they exist at the time of the passage of this act.

Repealer.

4. *And be it enacted*, That "A further supplement to the act entitled 'An act to regulate elections,' approved the sixteenth day of April, one thousand eight hundred and forty-six," which supplement was approved the fourteenth day of April, one thousand eight hundred and ninety one, and all other acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Passed May 25, 1894.

## CHAPTER CCCXXXIX.

An Act relative to the state-house and adjacent public grounds.

Governor,  
treasurer and  
comptroller  
shall take  
charge of state  
capitol.

Shall appoint  
custodian and  
fix salary of.

Proviso.

Duties of  
custodian.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the governor, treasurer and comptroller of this state to take general charge of the care and safe keeping of the state capitol, the property contained therein and the adjacent public grounds; and for this purpose they shall have power to appoint a custodian of the capitol and adjacent grounds, who shall hold his appointment at the pleasure of the said governor, treasurer and comptroller, and who shall be paid monthly such compensation as the said governor, treasurer and comptroller shall fix; *provided*, that such compensation shall not exceed two thousand dollars per annum.

2. *And be it enacted*, That the said custodian shall be under the direction and subject to the control of the said governor, treasurer and comptroller; it shall be the duty of said custodian, subject to said direction and control, to preserve the several rooms and offices in the state-house and the adjacent grounds from injury, and to keep the occupied



parts of said state-house properly furnished, cleaned, warmed and lighted, and for this purpose he shall, subject to the direction and control of said governor, treasurer and comptroller, employ, fix the compensation of and discharge all necessary engineers, mechanics, laborers, messengers and other persons, and subject to the aforesaid direction and control, make all purchases necessary to carry out the provisions of this act; and all employes shall, subject to the aforesaid direction and control, be under the supervision of said custodian, who shall render and certify to the said treasurer and comptroller monthly accounts of all wages and expenses.

3. *And be it enacted*, That the sergeants at-arms of the two houses of the legislature, immediately after the legislature shall have adjourned, shall deliver to the said custodian all the keys of their respective houses, and the keys of the desks of the members and officers, which keys shall remain in his charge until the next meeting of the legislature, and when the courts which are held in the state-house are not in session the keys of the several court rooms shall be deposited with the said custodian.

Keys of both houses of legislature and of courts shall be deposited with

4. *And be it enacted*, That under the direction and control of the governor, treasurer and comptroller the said custodian shall take charge of the distribution of and have bound the volumes of laws, law and equity reports, minutes of the house of assembly, senate journal, legislative documents and other documents published under the authority of the state, and shall distribute the same as now is or shall be provided for by law.

Shall distribute public documents, &c.

5. *And be it enacted*, That the said custodian before entering upon the duties of his office, shall take and subscribe the following oath: "I, ———, do solemnly swear that I will justly and honestly keep all the books, writings and property committed to my care as custodian of the capitol of New Jersey, and that I will faithfully and honestly perform all the duties of the said office according to the best of my ability, so help me God," which oath shall be filed in the office of the state treasurer.

Shall take the oath of office.

6. *And be it enacted*, That the comptroller is hereby authorized to draw his warrant for and the treasurer is authorized to pay all salaries, wages and other necessary expenses incurred in carrying out the provisions of this act.

Comptroller authorized to draw warrant for salaries, &c

7. *And be it enacted*, That an act entitled "An act in relation to the state-house and adjacent public grounds," ap-

Repealer.

term of a member, such vacancy shall be filled by the mayor of the city in which it happens by the appointment of a qualified voter, resident in such city, who shall hold office for the unexpired term and until his successor is elected and shall have qualified.

Repealer.

9. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Passed May 25, 1894.

## CHAPTER CCCXLI.

An Act to amend an act entitled "A supplement to an act entitled a "A further supplement to an act entitled 'An act respecting prosecutors of the pleas of the state,' approved April sixteenth, one thousand eight hundred and forty-six," approved February ninth, one thousand eight hundred and eighty-six, which said supplement was passed March sixteenth, eighteen hundred and ninety-one.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled a supplement to an act entitled "A further supplement to an act entitled 'An act respecting prosecutors of the pleas of the state,' approved April sixteenth, one thousand eight hundred and forty-six, approved February ninth, one thousand eight hundred and eighty-six, be and the same is hereby amended so as to read as follows, to wit :

In certain counties prosecutor of pleas, with assent of governor may appoint assistant.

Assistant shall take oath.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each county of this state having a population of one hundred and fifty thousand inhabitants, and over, it shall be lawful for the prosecutor of the pleas thereof, with the assent of the governor, to appoint one assistant prosecutor, who, after having taken an oath or affirmation before the clerk of the court of common pleas

of the county wherein he is appointed, to faithfully and justly perform the duties of the appointment to the best of his ability, shall hold said appointment unless removed by the prosecutor and governor; and the county collector of said county shall pay such assistant prosecutor for his services an annual salary of thirty-five hundred dollars in equal monthly payments out of the funds of said county; *provided*, that the federal or state census last taken before the appointment of such assistant prosecutor shall be the basis for the above classification.

Salary of

Proviso.

2. *And be it enacted*, That the office of assistant prosecutor of the pleas in counties of this state having a population of less than one hundred and fifty thousand inhabitants be and the same is hereby abolished.

Office of assistant prosecutor in certain counties abolished.

3. *And be it enacted*, That all acts or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Passed May 25, 1894.

## CHAPTER CCCXLII.

An Act relative to the publication of the laws of this state in the newspapers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That within ten days after this act shall become a law, and annually thereafter on or before the first day of February, the governor and comptroller shall select and designate the newspapers in which shall be published the laws of this state, and the papers so selected in each year shall be authorized to publish the public laws enacted at the legislative session of the then current year, and also the special public laws applicable to the respective counties in which such papers are published; the selection of newspapers shall be upon the basis of the representation of the several counties in both branches of the legislature, not exceeding eight in any county, *provided*, the selection

Governor and comptroller shall designate

Basis of selection.

Proviso.

Proviso.

throughout the state shall be of an equal number of newspapers representing each of the two principal political parties; *provided further*, that after making such selection from the political newspapers, it shall be lawful for the governor and comptroller, at their discretion, to select and designate other papers at large in the state to publish the laws without regard to their political complexion, but having reference to their character, circulation and the special interests which they may represent, but the total number of all newspapers in the state authorized to publish the laws in any year shall not exceed ninety, and there shall not be selected in the aggregate in any year more newspapers representing one of the leading political parties than the other.

Selections limited to newspapers over two years old.

2. *And be it enacted*, That there shall not be selected and designated under this act any newspaper which has not been regularly and continuously published for two years previous to such selection.

Secretary of state shall send out copy.

3. *And be it enacted*, That after such selection the secretary of state shall send out copies of all public laws to the newspapers entitled to publish them within ten days after each law is enacted.

Governor and comptroller shall fix compensation.

4. *And be it enacted*, That the rate of compensation to be paid by the state for the publication of the laws shall be fixed by the governor and comptroller, and shall not exceed forty cents per folio of one hundred words.

Repealer.

5. *And be it enacted*, That all acts or parts of acts, by which the newspapers to publish the laws are to be designated in any other than the foregoing manner, and all acts or parts of acts inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Passed May 25, 1894.

## CHAPTER CCCXLIII.

A Further Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of this state," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of a supplement to an act to incorporate the chosen freeholders of this state, approved March twelfth, one thousand eight hundred and eighty be and the same is hereby amended so as to read as follows: Section amended.

3. *And be it enacted*, That each of the members of the board of chosen freeholders of the several counties of this state shall, before they enter upon the duties of their office, subscribe an official oath to faithfully, impartially and justly perform all the duties of their office to the best of their understanding and ability; which oath shall be taken before the presiding judge of the court of common pleas in said county, or any justice of the peace in said county, and filed in the office of the county clerk. Members shall subscribe oath. And file same in county clerk's office.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 25, 1894.

## CHAPTER CCCXLIV.

An Act to repeal an act entitled "An act to re-organize the board of chosen freeholders in certain counties in this state," approved March fifteenth, one thousand eight hundred and ninety-two, and ending the term of office of all persons elected or appointed under the provisions of said act.

Act repealed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to re-organize the board of chosen freeholders in certain counties in this state," approved on the fifteenth day of March, one thousand eight hundred and ninety-two, be and the same is hereby repealed, and the term of office of all persons elected or appointed under the provisions of said act are hereby terminated.

2. *And be it enacted*, That this act shall take effect immediately.

Passed May 25, 1894.

## CHAPTER CCCXLV.

An Act to repeal an act entitled "An act concerning cities of the first class," approved June ninth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning cities of the first class," approved June ninth, one thousand eight hundred and ninety, and known as chapter two hundred and forty-one of the laws of one thousand eight hundred and ninety, be and the same is hereby repealed, and that this act shall take effect immediately.

Act repealed.

Passed May 25, 1894.

## CHAPTER CCCXLVI.

An Act in relation to boards of excise commissioners in certain cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the mayor of any city of the first class in this state at any time after the passage of this act, in his discretion, to appoint a board of excise commissioners therein, to consist of four legal voters of said city, two of which said commissioners shall be selected and appointed from the political party which at the last preceding election for mayor in said city cast the largest number of votes for mayor, and two from the political party at said election casting the next largest number of votes for mayor, the commissioners so appointed shall serve for the term of two years, and until their successors shall be appointed ; they shall receive such

Mayor may  
appoint board.

Board shall be  
non-partisan.

Terms and  
salaries of.

salary or compensation as is now provided for by law for members of the board of excise commissioners in such cities.

Terms of  
present board  
shall be vacat-  
ed.

2. *And be it enacted*, That members of the board of excise commissioners in such cities appointed prior to the passage of this act shall continue in office until the appointment and qualification of their successors, whereupon their respective offices shall become vacant notwithstanding they may have been appointed for a longer term, and such commissioners shall receive and be paid a salary and compensation for services rendered up to said date that part of the annual salary or compensation proportioned to the actual term served by them as such commissioners.

Vacancy shall  
be filled for un-  
expired term  
only.

3. *And be it enacted*, That any vacancy which may happen in the office of member of excise commissioners in such city shall be filled by the mayor of said city for the unexpired term only, and that the member so appointed to fill such vacancy shall be selected from the same party as the member for whose expiring term he is appointed.

Terms of  
present officers  
and employees  
shall cease.

4. *And be it enacted*, That the terms of office of all officers and employes appointed by the board of excise commissioners in any such city shall cease on the first day of June, one thousand eight hundred and ninety-four, notwithstanding such officers or employes may have been appointed for a longer term, and that such officers and employes shall receive and be paid as salary and compensation for services rendered up to said date that part of the salary or compensation proportioned to the actual time served by them in said office or employment.

Powers, duties,  
&c., of new  
boards.

5. *And be it enacted*, That the commissioners appointed under the provisions of this act shall perform all the duties, possess all the powers, and be subject to all the liabilities now or hereafter conferred or imposed on the members of boards of excise commissioners in such cities by the laws of this state.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Passed May 25, 1894.



## CHAPTER CCCXLVII.

## An Act concerning weights and measures.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall hereafter sell, deliver or otherwise dispose of coal by what is commonly known as short weight, or shall sell, deliver or otherwise dispose of less than two thousand pounds of coal for what is known as a net ton, or of less than two thousand two hundred and forty pounds thereof for what is known as a gross ton, he or she shall be deemed to be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of twenty-five dollars for each and every offense, one-half of which fine shall be paid to the person making complaint thereof.

What ton of coal shall consist of.

Penalty for short weight.

2. *And be it enacted*, That the common council, board of aldermen, township committee or other governing body of any city, borough, township or other municipality in this state may designate and appoint some competent person or persons to inspect the weighing of coal, to detect any violations of the provisions of this act, and to make complaint thereof, which person or persons so appointed shall receive as his or their sole compensation one-half the fine as aforesaid.

Governing body shall appoint weigher.

Compensation of

3. *And be it enacted*, That this act shall take effect immediately.

Passed May 25, 1894.

## CHAPTER CCCXLVIII.

An Act to regulate the custody of jails and prisoners therein in counties of the first class in this state, and to repeal an act entitled "An act to repeal an act entitled 'An act to transfer the charge and keeping of the jails and custody of the prisoners in the counties of Essex and Hudson, from the sheriffs to the boards of chosen freeholders, and for the employment of the prisoners, and to regulate their term of service therein,' approved February twenty-seventh, one thousand eight hundred and fifty-seven, and the supplements thereto;" passed May sixteenth, one thousand eight hundred and ninety-four.

Sheriff shall have custody of and be responsible for.

Proviso.

Term of present jailor or keeper shall cease.

Chosen freeholders shall appoint jailor and keepers upon notice.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the sheriff in all counties of the first class in this state, shall have the custody, rule, keeping and charge of the jail or jails within such county, and of the prisoners in such jail or jails, and shall be responsible for the conduct of any keeper whom he shall appoint for the same; *provided, however*, that this act shall not apply to any jail or penitentiary upon any county farm in any county of the first class.

2. *And be it enacted*, That upon the sheriff in any county of the first class, taking the custody, rule, keeping and charge of the jail or jails, affected by the provisions of this act, the term of office of any jailer, warden or keeper theretofore appointed or elected in any way whatsoever, shall immediately cease and terminate; and the authority of the board of chosen freeholders of such county to appoint a jailer, warden or keeper of such jail or jails, shall be suspended so long as such sheriff shall keep the custody thereof, and of the prisoners therein.

3. *And be it enacted*, That the sheriff in any county of the first class of this state may by written notice direct the board of chosen freeholders in such county to take and have the custody, rule, keeping and charge of the jail or

jails, to which this act is applicable, and upon such notice having been given by any sheriff in any county of the first class in this state to the board of chosen freeholders of such county, said board shall appoint a jailer, warden and such keepers as may be necessary, and said board of chosen freeholders and such jailer or warden, shall in receiving custody and discharge of prisoners, and in their treatment and maintenance of such prisoners, be subject to all laws and regulations to which sheriffs and their jailers are subject.

4. *And be it enacted*, That the act entitled "An act to repeal an act entitled 'An act to transfer the charge and keeping of the jails and custody of the prisoners in the counties of Essex and Hudson, from the sheriffs to the board of chosen freeholders, and for the employment of the prisoners, and to regulate their term of service therein,' approved February twenty-seventh, one thousand eight hundred and fifty-seven, and the supplements thereto;" passed May sixteenth, one thousand eight hundred and ninety-four, be and the same is hereby repealed. Act repealed.

5. *And be it enacted*, That all acts and parts of acts inconsistent herewith or repugnant hereto, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved May 25, 1894.

## CHAPTER CCCXLIX.

An Act to more fully carry out and put in force the true intent and purposes of the supplement to an act of congress of August thirtieth, one thousand eight hundred and ninety, and the acts of the legislature of New Jersey of March twenty-fourth, one thousand eight hundred and eighty-one, and the manual training act of one thousand eight hundred and eighty-eight.

Manual and  
training school  
at Bordentown  
designated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of carrying out and putting in force the true intent of the supplement to an act of congress of August thirtieth, one thousand eight hundred and ninety, chapter eight hundred and forty-one, section one, acts of congress one thousand eight hundred and seventy-four to one thousand eight hundred and ninety-one, pages seven hundred and ninety-seven and seven hundred and ninety-eight, revised statutes of the United States, and the several acts of the legislature of New Jersey respecting industrial education and manual training schools; that for the purpose of carrying more fully into effect the true intent of these acts, the manual training and industrial school at Bordentown, New Jersey, Burlington county, be and the same is hereby designated as a branch institution for the education of such students as may be appointed from the several assembly districts and counties of this state, as hereinafter provided; that the said school shall be managed and controlled by a board of trustees consisting of the following persons and their successors in office: the governor of the state, who shall be president ex-officio; the state superintendent of public instruction, the president of the senate, the speaker of the assembly, the chairman of the committee on education of the senate, the chairman of the committee on education of the house, the president of the state agricultural college, the trustees of school district number fifteen, Burlington county; the principal of the state normal school, the principal of the Farnum preparatory school at Beverly, New Jersey; two persons selected

Board of  
trustees to  
consist of.

by the state board of education and the county superintendent of Burlington county; these trustees shall have all the power and responsibilities given by the laws of this state to trustees of public and manual training schools. Their powers and responsibilities.

2. *And be it enacted*, That all laws applying to and governing industrial and manual training schools now in force in this state shall apply to this school. All laws apply to.

3. *And be it enacted*, That when the trustees of said school are ready to receive students, one student from each county in the state to be selected by the senator thereof and one student from each assembly district to be selected by the assemblymen thereof and be approved of by the trustees and faculty of the school, shall be entitled to free scholarships in said school. Free scholarships, how selected.

4. *And be it enacted*, That the state superintendent of public instruction is hereby authorized and required to make an examination of the books and records of the colored industrial education association of New Jersey, with a view of ascertaining what amount of subscriptions have been given said association for industrial and manual training under the several acts of the legislature of this state, and the value of the assets that they have come into possession of by reason of the act of the legislature of May twenty-first, one thousand eight hundred and ninety, and the value of all donations and subscriptions and assets held by said association from the tenth day of November, one thousand eight hundred and eighty-nine, to the present time, and to draw his warrant on the comptroller for a like sum in favor of the board of trustees created by this act for the maintenance of said school, in accordance with the provisions of the act of the legislature of March twenty-fourth, one thousand eight hundred and eighty-one, and the act of the legislature of one thousand eight hundred and eighty-eight, known as the manual training act; *provided*, that the sum for which said warrant shall be drawn shall not exceed in the aggregate the sum allowed by said acts of the legislature for each year. State superintendent to make examination and draw warrant. Provide.

5. *And be it enacted*, That the colored industrial education association of New Jersey and the trustees of school district number fifteen, Burlington county, be and they are hereby authorized to turn over to the trustees created by this act all moneys, real estate and personal property which they hold for industrial education in said district. Other moneys and property to be turned over.

Annual appropriation.

6. *And be it enacted*, That in lieu of all claims, rights and titles the branch institution designated by this act have or may hereafter have upon the annually appropriation coming to this state from congress under the provision of the supplement to the act of congress of August thirtieth, one thousand eight hundred and ninety, three thousand dollars is hereby annually appropriated for the maintenance of said school out of any money in the state treasury not otherwise appropriated."

7. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Passed May 25, 1894.

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## CHAPTER CCCL.

An Act to repeal an act entitled "An act to determine the tenure of office of city marshals in cities," approved April second, one thousand eight hundred and ninety-one.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to determine the tenure of office of city marshals in cities," approved April second, one thousand eight hundred and ninety one, be and the same is hereby repealed, and that this act shall take effect immediately.

Passed May 25, 1894.

## CHAPTER CCCLI.

An Act to repeal an act entitled "An act concerning the tenure of office of city collectors in cities of the first class," approved March nineteenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning the tenure of office of city collectors in cities of the first-class," approved March nineteenth, one thousand eight hundred and ninety-one, be and the same is hereby repealed, and that this act shall take effect immediately. Act repealed.

Passed May 25, 1894.

## CHAPTER CCCLII.

A Supplement to an act entitled "An act for the formation and government of villages," approved February twenty-third, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every ordinance hereafter passed by the board of trustees of any village incorporated under the act to which this is a supplement, shall be published twice in a newspaper published in the township in which said village is located, and shall be posted for ten days in five public places in said village, and until such ordinance shall have been so published as aforesaid, the same shall be of no effect. Ordinances shall be published and posted.

2. *And be it enacted*, That the book of the record of ordinances kept by the village clerk of any such village shall be deemed a public record of the ordinances passed by the board of trustees of such village, and shall be taken and re- Book of ordinances shall be deemed a public record.

Copies shall  
be received as  
evidence.

ceived in all courts as evidence of said ordinances, and that copies of said ordinances, certified by the village clerk, under the corporate seal of the village, shall likewise be taken and received in all courts as evidence of said ordinances, and that the publication of said ordinances, in a newspaper and by posting as herein required, shall in all cases be presumed to have been made until the contrary shall be proved.

3. *And be it enacted*, That this act shall take effect immediately.

Passed May 25, 1894.

## CHAPTER CCCLIII.

An Act authorizing the division of townships into street-lighting districts and the erection and maintenance of street lights therein, and the election of street-light commissioners in said district.

Township  
committee  
may designate  
districts.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the township committee of any township in any county of the second and third class in this state may, at any time, set off and divide the said township into districts to be designated by numbers, and may alter the same from time to time, and shall, by resolution to be entered at length upon their minutes, define and declare the limits, boundaries and numbers of said district, and the same being so defined and declared, shall be deemed and taken as street-lighting districts, and shall be known as and designated by and under the corporate name of street-lighting district number——, which said district, when so designated, shall be a body corporate and shall possess and be deemed to have power to sue and be sued, complain and defend in any court of law or equity, to make and use a common seal, and all other corporate power necessary for the carrying out the powers hereinafter conferred.

Districts shall  
be bodies cor-  
porate.



2. *And be it enacted*, That on the first Tuesday of June in each year the legal voters of any such district so designated are hereby authorized to meet for the purpose of electing three persons, who shall be known and designated as commissioners of street-lighting district number ——— and at said time the said legal voters shall determine by ballot, by the vote of the majority of those present and voting the sum of money to be raised and expended within such district for the ensuing year for the erection and maintenance of street-lights; the said meeting for the election of said commissioners and the determination of said sum to be raised shall be held at such public place within the district as the said township committee may designate, and notice of said time and place of such election shall be given by the township clerk and set up in at least three of the most public places within the said district ten days before the said election; that the polls on said election shall be open at — o'clock in the afternoon and close at seven o'clock in the evening; the voters there assembled, before any votes are cast, shall elect, by viva voce vote, a judge, inspector and clerk of said election.

Commissioners shall be elected and amount of money to be raised shall be determined annually by ballot.

Clerk shall give notice of election.

3. *And be it enacted*, That the sum fixed and appropriated by the majority of said votes cast shall be certified forthwith to the commissioners elected as aforesaid, who shall forthwith certify to the same and give notice to the township assessor of the sum so fixed, who shall assess the same upon the taxable property within said district in the same manner as township taxes are assessed; and said money shall be assessed, levied and collected in the same manner that other township moneys are assessed; and it shall be the duty of the collector of the township in which said district is situate to pay over all moneys received by him which shall have been assessed as aforesaid to the said commissioners.

Result shall be certified to commissioners and commissioners shall notify assessor

4. *And be it enacted*, That the said commissioners are hereby empowered to expend said moneys for the purpose of lighting the streets within said district and to make contracts for said district with electric light or gas companies for the ——— and maintenance of said street-lights during their term of office; the sum to be paid by virtue of said contract shall not exceed the amount voted for at said election, and the said commissioners are hereby empowered to determine what streets shall be lighted within said districts

Commissioners empowered to expend moneys.

and where street-lights shall be erected and the number of the same.

Repealer.

5. *And be it enacted*, That all acts and parts of acts inconsistent herewith are hereby repealed.

6. *And be it enacted*, That this act shall take effect immediately,

Passed May 25, 1894.

## CHAPTER CCCLIV.

An Act to defray the incidental expenses of the legislature of New Jersey for the session of one thousand eight hundred and ninety four.

Treasurer  
authorized to  
pay certain  
amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named the following amounts, that is to say :

|   |         |
|---|---------|
| Item No. 1. To each clergyman, for opening sessions of the senate and house of assembly with prayer, during session of one thousand eight hundred and ninety-four, ten dollars, | \$10 00 |
|---|---------|

|  |       |
|--|-------|
| Item No. 2. To each officer of the senate and house of assembly of the session of one thousand eight hundred and ninety-three, for services in opening the session of one thousand eight hundred and ninety four, ten dollars, | 10 00 |
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| Item No. 3. To Hibbert Brothers, for furnishing invitations for Lincoln anniversary services, thirty-five dollars, | 35 00 |
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|--|------|
| Item No. 4. To A. Kessler, for locks, keys, and so forth, six dollars, | 6 00 |
|--|------|

|   |      |
|---|------|
| Item No. 5. To The Trenton Times, for advertising Lincoln anniversary, three dollars, | 3 00 |
|---|------|

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|--|-------|
| Item No. 6. To L. H. Johnson, for decorating, ten dollars, | 10 00 |
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|---|----------|
| Item No. 7. To Benjamin L. Disbrow, for chairs for use at Lincoln anniversary, eight and fifty one-hundredths dollars,  | \$8 50   |
| Item No. 8. To Advertiser Publishing Company, for advertising addresses on Lincoln anniversary, two and fifty one-hundredths dollars,   | 2 50     |
| Item No. 9. To William H. Rea, for furnishing oaths of senators and members and officers of the legislature, fifty dollars,   | 50 00    |
| Item No. 10. To the John L. Murphy Company, for advertising Lincoln anniversary in State Gazette, three dollars,  | 3 00     |
| Item No. 11. To the Trenton House, Lincoln anniversary, eighteen and twenty-five one hundredths dollars,  | 18 25    |
| Item No. 12. To the New Jersey Freie Zeitung, for printing governor's message in German, three hundred and twenty and forty seven one-hundredths dollars,   | 320 47   |
| Item No. 13. To James H. Mulheron, for furnishing supplies to sergeant-at-arms, two hundred and forty-one and fifty-five one hundredths dollars,  | 241 55   |
| Item No. 14. To John C. Rankin Company, for furnishing stationery committee of the house of assembly for the use of members, officers and reporters of the house, two thousand six hundred and seventy-four and fifteen one-hundredths dollars, | 2,674 15 |
| Item No. 15. To John C. Rankin, for stationery (extra), per Item No. 14, one hundred and thirty two and fifty one-hundredths dollars,   | 132 50   |
| Item No. 16. To L. E. Watson, for expressage, cartage and carriage hire, thirty-one and eighty two one-hundredths dollars,  | 31 82    |
| Item No. 17. To MacCrellish & Quigley, for the stationery for the clerk of the house of assembly session eighteen hundred and ninety-three, eighty-nine dollars,  | 89 00    |
| Item No. 18. To MacCrellish & Quigley, for stationery for the clerk of the senate, eighty-four dollars,   | 84 00    |
| Item No. 19. To L. E. Watson, sergeant-at-arms of the house, for postage and other expenses, eight and sixty one-hundredths dollars,  | 8 60     |

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| Item No. 20. To C. S. Demarest, for changing the combination of safe, fifteen dollars,   | \$15 00 |
| Item No. 21. To William F. Cyphers, assistant clerk of the legislature, for keeping docket, one hundred dollars,   | 100 00  |
| Item No. 22. To the Foye Letter File Cabinet and Index Company, for five dozen minute files, for the year one thousand eight hundred and ninety-three, seventy-five dollars,                                 | 75 00   |
| Item No. 23. To John J. Matthews, for furnishing one hundred and fifty copies of member's pocket calendars for the senate and house of assembly, one hundred and fifty dollars,                              | 150 00  |
| Item No. 24. To Naar, Day & Naar, for advertising incidental notice, two dollars,  | 2 00    |
| Item No. 25. To Elizabeth Kucker, for washing towels for the house of assembly, fifty dollars,   | 50 00   |
| Item No. 26. To Elizabeth Kucker, for washing towels for the senate, fifteen dollars,  | 15 00   |
| Item No. 27. To Charles E. Roberts, for services rendered committee appointed by the house of assembly to investigate building and loan association, twelve dollars,   | 12 00   |
| Item No. 28. To John Douglass, for services rendered in the engrossing room, one hundred dollars, as per resolution of the house of assembly April twenty-third, one thousand eight hundred and ninety-four, | 100 00  |
| Item No. 29. To James H. Mulheron, for furnishing soap and towels and brooms for house of assembly, sixty-seven dollars,   | 67 00   |
| Item No. 30. To The John L. Murphy Publishing Company, for advertising notice to present incidental bills, two dollars,  | 2 00    |
| Item No. 31. To The John L. Murphy Publishing Company, for stationery furnished the speaker from January fifteenth to April fourth, one hundred and twenty-six and thirty one-hundredths dollars,            | 126 30  |
| Item No. 32. To The John L. Murphy Publishing Company, to stationery furnished sergeant-at-arms of assembly from January eleventh to May fifteenth, five hundred and sixty-six dollars,                      | 566 00  |

Item No. 33. To The John L. Murphy Publishing Company, for furnishing stationery to the engrossing clerk of the assembly, one hundred and eighty-nine and forty-five one-hundredths dollars, \$189 45

Item No. 34. To The John L. Murphy Publishing Company, for furnishing stationery to the clerk of the assembly, one hundred and ninety seven and ninety-five one hundredths dollars, 197 95

Item No. 35. To D. C. Carter, for bill of stationery omitted in one thousand eight hundred and ninety-three, forty-one and seventy-five one-hundredths dollars, 41 75

Item No. 36. To Joel J. Bailey & Company, for furnishing stationery to sergeant of the senate, twenty-one and seventy-five one-hundredths dollars, 21 75

Item No. 37. To Joel J. Bailey & Company, for stationery furnished the sergeant at arms of the senate, four hundred and two and ninety seven one-hundredths dollars, 402 97

Item No. 38. To Robert H. Ingersoll, for assisting the secretary of the senate, twenty-five dollars, 25 00

Item No. 39. To Stoll Blank Book Company, for stationery furnished the sergeant-at-arms of the senate, forty-three and twenty-five one-hundredths dollars, 43 25

Item No. 40. To Stoll Blank Book Company, for stationery furnished the secretary of the senate, four and ninety five one hundredths dollars, 4 95

Item No. 41. To The Electric Cutlery Company, for cutlery furnished the sergeant-at-arms of the senate, one hundred and two and five one-hundredths dollars, 102 05

Item No. 42. To John C. Rankin Company, for stationery furnished the sergeant-at-arms of the senate, one hundred and sixteen and fifty one-hundredths dollars, 116 50

Item No. 43. To the Foye Letter File Cabinet and Index Company for extra bill files furnished, one hundred one fifty-nine dollars, 159 00

Item No. 44. To The John L. Murphy Publishing Company, for stationery furnished the

engrossing clerk of the senate, one hundred and forty-seven and ninety-five one hundredths dollars, \$147 95

Item No. 45 To the John L. Murphy Publishing Company, for stationery furnished the president of the senate, eighty-six and thirty one hundredths dollars, 86 30

Item No. 46. To The John L. Murphy Publishing Company, for furnishing stationery to the secretary of the senate, one hundred and seventy-one and ninety-five one-hundredths dollars, 171 95

Item No. 47. To The John L. Murphy Publishing Company, for stationery furnished the senate, one hundred and thirty-nine and eighty-five one-hundredths dollars, 139 85

Item No. 48. To A. G. Beer, for photographing in Stuhr-McDonald election contest, fifty dollars, 50 00

Item No. 49. To John C. Rankin, for bill files for the senate and house of assembly for the session of one thousand eight hundred and ninety-four, two hundred and seventeen dollars, 217 00

Item No. 50. To R. Gray, junior, for one ivory gavel for the president of the senate, and one ivory gavel for the speaker of the house, eighty dollars, 80 00

Item No. 51. To Charles M. Gray, for assistance to the engrossing clerk of the house, forty-five dollars, 45 00

Item No. 52. To Charles F. Harris, for assistance to the engrossing clerk of the house, forty-four dollars, 44 00

Item No. 53. To Passmore, Meeker & Company, for two gavel blocks, one for one thousand eight hundred and ninety-two, and two for one thousand eight hundred and ninety-three, fifteen dollars, 15 00

Item No. 54. To the New Jersey Freie Zeitung, for translating the governor's message (ninety pages at sixty cents per page), fifty-four dollars, 54 00

Item No. 55. To A. Kessler, for locks keys and services, thirteen dollars, 13 00

Item No. 56. To Harry Brice, for services as clerk to the committee on incidental expenses, seventy-five dollars, 75 00

Item No. 57. To Isaac Doughten, for services as private secretary to the president of the senate, five hundred dollars, 500 00

Item No. 58. To the clerk of the house of assembly, amount paid for the opinion of supreme court senate controversy, March, one thousand eight hundred and ninety-four, certified by the clerk of the supreme court, as per resolution of the house, eight dollars, \$8 00

Item No. 59. To M. S. Veatch, for services in the engrossing room of senate, one hundred dollars, 100 00

Item No. 60. To the Foye Letter File Cabinet and Index company, for bill files furnished the senate and house of assembly for session of one thousand eight hundred and ninety-four, six hundred and thirty-nine dollars and sixty cents, 639 60

Item No. 61. To Joseph O'Mara, for services as page, session of one thousand eight hundred and ninety-two, five weeks, fifty dollars, 50 00

Item No. 62. To C. V. Hanse, for extra services as postmaster of the senate, one hundred and twenty-five dollars, 125 00

Item No. 63. To Vernon Matlack, for services as page, session of one thousand eight hundred and ninety-four, fifty dollars, 50 00

Item No. 64. To Adam Kraushaar, for services as postmaster of the house, one hundred and fifty dollars, 150 00

Item No. 65. To W. H. Simmons and Son, for hire of coaches for committee, twelve dollars, 12 00

Item No. 66. To F. P. English for hire of coaches for use of committee, twelve dollars, 12 00

Item No. 67. To Sutphin & La Rue, for hire for coaches for use of committee, sixteen dollars, 16 00

Item No. 68. To H. B. Rollinson, for extra services as assistant journal clerk of the senate, two hundred dollars, 200 00

Item No. 69. To Lawrence Farrell, for use of desks and chairs in senate chamber, fifty-nine dollars, 59 00

Item No. 70. To J. D. Colville, to services as assistant to journal clerk of house of assembly, April thirtieth to May eighth, forty dollars, 40 00

2. *And be it enacted*, That this act shall take effect immediately.

Approved June 5, 1894.





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# JOINT RESOLUTIONS.

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# JOINT RESOLUTIONS.

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## NUMBER I.

Joint Resolution relative to the Trenton battle monument.

WHEREAS, "The Trenton Battle Monument Association," Preamble.  
a corporation under the laws of this state, acquired title to a tract of land in the city of Trenton and state of New Jersey, where the American artillery opened fire on the enemy at the battle of Trenton, December twenty-sixth, one thousand seven hundred and seventy six, during the war of the revolution, which tract of land has been deeded to, and the title thereof now stands in, the name of the state of New Jersey; *and whereas*, the association afore said, from sundry moneys received from the United States government, the states of New York, Pennsylvania, Massachusetts and Connecticut, and from many citizens of this state, has erected a granite shaft commemorative of this great battle, and embellished it with suitable statues and tablets: *and whereas*, the dedication of the said monument took place, with great ceremony, October nineteenth, one thousand eight hundred and ninety-three, and was distinguished by the presence of the governors of eight states of the union, each accompanied by a large representation from his state, which necessitated an unexpectedly large expenditure in extending to these gentlemen the hospitality of the state, leaving the association without funds to properly complete the interior of said monument; therefore,

1. BE IT RESOLVED by the Senate and General Assembly of Appropriation  
*the State of New Jersey*, That out of the moneys in the treasury of this state, the sum of seven thousand five hundred dollars be and is hereby appropriated to liquidate the debt

incurred on the occasion of the ceremonies referred to, and to complete the interior of the monument, as aforesaid ; and that the comptroller is hereby authorized to draw his warrant for the same, and the treasurer to pay the same to the treasurer of the Trenton battle monument association.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Passed May 1, 1894.

## NUMBER II.

Joint Resolution providing for the appointment of three commissioners to examine into the difficulties existing among the oystermen of Maurice River cove and Delaware bay.

Preamble.

WHEREAS, A serious controversy exists between the oystermen of Delaware bay and the owners of riparian lands therein relative to the exclusive right and privilege of taking oysters from the riparian grants, which grants were made by the riparian commissioners of the state of New Jersey by virtue of the several acts providing therefor ; *and whereas*, these controversies exist under color of the laws passed by preceding legislatures of this state affecting the natural right and privileges of the citizens and have resulted in great loss of property, serious breaches of the peace, many arrests of good citizens acting under the advice of eminent counsel and and great expense to the county of Cumberland ; now therefore

Commission,  
how appointed.

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That a commission of three persons be appointed, one by the governor, one by the speaker of the assembly and one by the president of the senate, to ascertain the causes of these serious breaches of the peace, loss of property and violation of these riparian grants, and make a full report of the facts in writing within the next ten

To make  
report.

days to this legislature and suggest such remedies as they may deem advisable in the premises ; that this commission shall have power to summon and compel attendance before <sup>Powers.</sup> them of such persons as they may deem necessary and proper to testify, and any member of said commission may administer an oath to any person so summoned, and the persons testifying shall be entitled to receive the like witness fees as are now allowed to persons summoned to testify in any courts of this state ; the commission shall have power to employ a stenographer and shall receive for each day actually spent in making this report the sum of ten dollars each, which compensation, together with all other expenses which shall be incurred by the commission in the pursuit of their inquiry and making said report, shall be paid by the state treasurer on the warrant of the comptroller when duly approved and certified by the chairman of the committee.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved May 2, 1894.

## NUMBER III.

Joint Resolution to provide for the expense of obtaining a portrait of Doctor George H. Cook, deceased, same to be placed in the capitol of this state.

- Preamble.** WAEREAS, Doctor George H. Cook, deceased, for many years the geologist of this state, by his surveys and labors in bringing to public notice the facts relative to our natural resources, and also in giving aid to the development of our agricultural, mining, mechanical and other industrial interests; therefore,
- Appropriation.** 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five hundred dollars be and the same is hereby appropriated for the purpose of obtaining a suitable portrait of the said Doctor George H. Cook, to be purchased by the president of the senate and the speaker of the house of assembly and placed in the state house, and that the state treasurer pay the amount of said appropriation, upon the warrant of the state comptroller, out of any moneys of this state not otherwise appropriated.
2. *And be it resolved*, That this joint resolution shall take effect immediately.
- Approved May 14, 1894.

## IV.

Joint Resolution to provide for the care and preservation of the soldiers' plot, Fairmount cemetery, in the city of Newark, state of New Jersey.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five hundred dollars be and is hereby appropriated, to be paid by the treasurer of the state on the warrant of the comptroller, for the care and preservation of the soldiers' plot and the monument thereon, in Fairmount cemetery, in the city of Newark, state of New Jersey. Appropriation.

2. *And be it resolved*, That the moneys hereby appropriated shall be expended under the direction of the quartermaster-general with the approval of the governor; and that the quartermaster-general shall keep an accurate account of such expenditures, which account shall be printed in his annual report; and that this resolution shall take effect immediately. How expended

Approved May 15, 1894.

## NUMBER V.

Joint Resolution for the appointment of commissioners to report amendments of the system of jurisprudence of this state, and provide for the election of certain officers by the people.

## Preamble.

WHEREAS, It has been represented to the legislature that the citizens of this state are desirous that such changes be made in its entire system of legal and equitable jurisprudence as will render the administration of justice more simple, speedy and economical, and also that the appointing power, so far as is practicable, be restored to the people, the only legitimate source of all power ; therefore,

## Governor authorized to appoint.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be and is hereby authorized to nominate and appoint, with the advice and consent of the senate, twenty discreet commissioners, two of whom shall reside in each of the congressional districts of this state, and four of whom shall be appointed from the state at large, whose duty it shall be to prepare such acts and such amendments of the constitution of this state as may be proper and necessary to carry into effect the objects expressed in the preamble to these resolutions, and submit the acts, and the amendments prepared by them to the constitution of the state, to the governor as hereinafter directed.

## Commissioners shall serve without compensation.

2. *And be it resolved*, That said commissioners shall serve without compensation ; they shall meet in the senate chamber, in the city of Trenton, on the first Tuesday in June next, at the hour of twelve o'clock noon ; they shall elect from their number a president ; they shall have power to adopt their own rules of procedure ; they shall have power and authority to employ such clerical assistance as may be necessary for the transaction of their business and to fix the compensation of such employes, who shall be paid by the treasurer of the state ; the compensation so fixed by the commissioners, upon a certificate to that effect signed

## Powers of



by the president of said commission and approved by the governor, and the actual expenses of the said commissioners, shall be paid upon like certificate ; all necessary printing required by the said commissioners shall be paid by the treasurer of the state upon certificate of the president of the commission, approved by the governor ; *provided, however,* Proviso. that the expense of the said commission, exclusive of the necessary printing, shall not exceed the sum of two thousand dollars.

3. *And be it resolved,* That the said commission shall conclude its labors within sixty days after the date at which it shall convene as by this resolution is provided, and shall report the result of its labors to the governor of this state, signed by the president of the said commission and a majority of the said commissioners, and it shall be the duty of the governor to transmit such report, with such recommendations or suggestions as he may desire to make, to this present session of the legislature, if in session after said commission shall transmit to him the result of their labors, and if not then in session, then to the next session of the legislature held in this state. Governor shall transmit to legislature.

4. *And be it resolved,* That this joint resolution shall take effect immediately,

Approved May 17, 1894.

## NUMBER VI.

Joint Resolution relating to the passage of a law by congress making the city of Bayonne a port of entry.

WHEREAS, The rapidly increasing commerce of the city of Bayonne requires additional facilities for the prompt entry and discharge of vessels and cargoes at said city ;

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the members of congress from New Jersey are hereby respectfully requested to secure the passage of a law making the city of Bayonne, in the state of New Jersey, a port of entry.

2. *And be it resolved*, That a copy of said resolution, duly certified by the president of the senate and speaker of the house, be forwarded to each of the senators of the United States and representatives in congress from New Jersey.

Approved May 17, 1894.

## NUMBER VII.

Joint Resolution providing for certain expenses incurred and to be incurred in the contested election case between Jacob C. Lippincott and William J. Thompson.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller upon the presentation to him of a certificate or certificates, signed by the chairman of the committee on elections of the house of assembly, may draw his warrant or warrants, to an amount not exceeding the sum of two thousand dollars, upon the state treasurer, who shall thereupon pay the same, for the fees and mileage of witnesses, and such other necessary expenses as shall be and may have been incurred by the said committee in the pursuit of their investigation into and concerning the contested election case between Jacob C. Lippincott and William J. Thompson for member of the general assembly from the third district of Camden county.

Amount ap-  
propriated.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Passed May 25, 1894.



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# PROCLAMATIONS.

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incurred on the occasion of the ceremonies referred to, and to complete the interior of the monument. as aforesaid ; and that the comptroller is hereby authorized to draw his warrant for the same, and the treasurer to pay the same to the treasurer of the Trenton battle monument association.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Passed May 1, 1894.

## NUMBER II.

Joint Resolution providing for the appointment of three commissioners to examine into the difficulties existing among the oystermen of Maurice River cove and Delaware bay.

Preamble.

WHEREAS, A serious controversy exists between the oystermen of Delaware bay and the owners of riparian lands therein relative to the exclusive right and privilege of taking oysters from the riparian grants, which grants were made by the riparian commissioners of the state of New Jersey by virtue of the several acts providing therefor ; *and whereas*, these controversies exist under color of the laws passed by preceding legislatures of this state affecting the natural right and privileges of the citizens and have resulted in great loss of property, serious breaches of the peace, many arrests of good citizens acting under the advice of eminent counsel and and great expense to the county of Cumberland ; now therefore

Commission,  
how appointed.

To make  
report.

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That a commission of three persons be appointed, one by the governor, one by the speaker of the assembly and one by the president of the senate, to ascertain the causes of these serious breaches of the peace, loss of property and violation of these riparian grants, and make a full report of the facts in writing within the next ten

days to this legislature and suggest such remedies as they may deem advisable in the premises ; that this commission shall have power to summon and compel attendance before  <sup>Powers.</sup> them of such persons as they may deem necessary and proper to testify, and any member of said commission may administer an oath to any person so summoned, and the persons testifying shall be entitled to receive the like witness fees as are now allowed to persons summoned to testify in any courts of this state ; the commission shall have power to employ a stenographer and shall receive for each day actually spent in making this report the sum of ten dollars each, which compensation, together with all other expenses which shall be incurred by the commission in the pursuit of their inquiry and making said report, shall be paid by the state treasurer on the warrant of the comptroller when duly approved and certified by the chairman of the committee.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved May 2, 1894.

## NUMBER III.

Joint Resolution to provide for the expense of obtaining a portrait of Doctor George H. Cook, deceased, same to be placed in the capitol of this state.

## Preamble.

WAEREAS, Doctor George H. Cook, deceased, for many years the geologist of this state, by his surveys and labors in bringing to public notice the facts relative to our natural resources, and also in giving aid to the development of our agricultural, mining, mechanical and other industrial interests; therefore,

## Appropriation.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five hundred dollars be and the same is hereby appropriated for the purpose of obtaining a suitable portrait of the said Doctor George H. Cook, to be purchased by the president of the senate and the speaker of the house of assembly and placed in the state house, and that the state treasurer pay the amount of said appropriation, upon the warrant of the state comptroller, out of any moneys of this state not otherwise appropriated.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved May 14, 1894.



## IV.

Joint Resolution to provide for the care and preservation of the soldiers' plot, Fairmount cemetery, in the city of Newark, state of New Jersey.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five hundred dollars be and is hereby appropriated, to be paid by the treasurer of the state on the warrant of the comptroller, for the care and preservation of the soldiers' plot and the monument thereon, in Fairmount cemetery, in the city of Newark, state of New Jersey. Appropriation.

2. *And be it resolved*, That the moneys hereby appropriated shall be expended under the direction of the quartermaster-general with the approval of the governor; and that the quartermaster-general shall keep an accurate account of such expenditures, which account shall be printed in his annual report; and that this resolution shall take effect immediately. How expended

Approved May 15, 1894.

## NUMBER V.

Joint Resolution for the appointment of commissioners to report amendments of the system of jurisprudence of this state, and provide for the election of certain officers by the people.

## Preamble.

WHEREAS, It has been represented to the legislature that the citizens of this state are desirous that such changes be made in its entire system of legal and equitable jurisprudence as will render the administration of justice more simple, speedy and economical, and also that the appointing power, so far as is practicable, be restored to the people, the only legitimate source of all power ; therefore,

Governor  
authorized to  
appoint.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be and is hereby authorized to nominate and appoint, with the advice and consent of the senate, twenty discreet commissioners, two of whom shall reside in each of the congressional districts of this state, and four of whom shall be appointed from the state at large, whose duty it shall be to prepare such acts and such amendments of the constitution of this state as may be proper and necessary to carry into effect the objects expressed in the preamble to these resolutions, and submit the acts, and the amendments prepared by them to the constitution of the state, to the governor as hereinafter directed.

Commissioners  
shall serve  
without com-  
pensation.

2. *And be it resolved*, That said commissioners shall serve without compensation ; they shall meet in the senate chamber, in the city of Trenton, on the first Tuesday in June next, at the hour of twelve o'clock noon ; they shall elect from their number a president ; they shall have power to adopt their own rules of procedure ; they shall have power and authority to employ such clerical assistance as may be necessary for the transaction of their business and to fix the compensation of such employes, who shall be paid by the treasurer of the state ; the compensation so fixed by the commissioners, upon a certificate to that effect signed

## Powers of

by the president of said commission and approved by the governor, and the actual expenses of the said commissioners, shall be paid upon like certificate ; all necessary printing required by the said commissioners shall be paid by the treasurer of the state upon certificate of the president of the commission, approved by the governor ; *provided, however,* <sup>Proviso.</sup> that the expense of the said commission, exclusive of the necessary printing, shall not exceed the sum of two thousand dollars.

3. *And be it resolved,* That the said commission shall conclude its labors within sixty days after the date at which it shall convene as by this resolution is provided, and shall report the result of its labors to the governor of this state, <sup>shall make report to governor.</sup> signed by the president of the said commission and a majority of the said commissioners, and it shall be the duty of the governor to transmit such report, with such recommendations or suggestions as he may desire to make, to this <sup>Governor shall transmit to legislature.</sup> present session of the legislature, if in session after said commission shall transmit to him the result of their labors, and if not then in session, then to the next session of the legislature held in this state.

4. *And be it resolved,* That this joint resolution shall take effect immediately,

Approved May 17, 1894.

Newark Steam Heating and Power Company,  
New Jersey Gauge-Cock and Faucet Company,  
New Jersey Keystone Watch Company,  
New Jersey Phonograph Company,  
New Jersey and Perth Amboy Electric Light Company,  
New York Sheep Shearer Manufacturing Company,  
News Company (formerly Facts Publishing Co.),  
Nicaragua Express Company,  
The Ohio Valley Construction Company,  
Old Dominion Bottling Company,  
The Peckham Paper Car Wheel Company,  
The Peckham Street Car Wheel and Axle Company,  
The Pequannock Pure Water Company,  
The Pine Island Cocoanut Company of Florida,  
The Pyro Gravure Company,  
Paragon Novelty Company,  
Peoples Dairy Association,  
Petit Bijou Piano Company, Limited,  
Philadelphia Auxiliary Fire Alarm Company,  
Philadelphia Cutlery Company,  
Philadelphia Roller Toboggan Company,  
Philadelphia Towel Supply and Laundry Company,  
Piedmont Coal and Land Company,  
Poughkeepsie and Boston Construction Company,  
Producers' Oil Refining Company,  
The Quaker City and Canadian Phosphate Company,  
The Quaker Remedies Company,  
The Rawson Manufacturing Company,  
Red Man Mining Company,  
Relief Mining and Milling Company,  
The San Mercos Mining and Milling Company,  
The Self-Storage Electric Light and Power Company,  
The Shaver Telephone Company of Monmouth County,  
New Jersey,  
The Siccardi Car Brake and Starter Company,  
The Smith Exhaust Pipe Company,  
The Somerset Ranch and Cattle Company,  
The Sonora Smelting Company,  
The Southern Electric Light Car Motor Conduit and Manufacturing of Electrical Supplies Company of New Jersey,  
The Southern Homestead Company,  
The Southwestern Land and Cattle Company,

The S. & O. Chemical Manufacturing Company,  
 The Standard Investment Company,  
 San Juan and New Jersey Discovery and Mining Com-  
 pany,  
 Saegersville Slate Quarrying and Manufacturing Com-  
 pany,  
 Sea Isle City Hotel Company,  
 S. L. Merchant Company,  
 Southwest Dressed Beef Company,  
 St. George's Hall Building Association,  
 Sterling Paper Bag Company,  
 Subterranean Conduction Company,  
 Suburban Electric Construction Company,  
 Superior Gas Light and Fuel Company,  
 Swift-Davenport Spiral Spring Machine Company,  
 The Time Telegraph and Novelty Company,  
 The Trenton and Philadelphia Steamboat Company,  
 Transatlantic Indemnity Baggage Checking Company,  
 The United Manufacturing Company,  
 The United States Finance Company,  
 The United States Gas and Fuel Company,  
 The United States Novelty Manufacturing Company,  
 Union and Essex Electric Railway Company,  
 United States Patent Spindle Banding Company,  
 United States Self-Generating Electric Light and  
 Power Company,  
 United States Subway Company,  
 United States Traction Company,  
 United States and International Secret Service,  
 Victor Brush Company,  
 Ventilating Gas Lamp Company,  
 The Water Works Company of Plainfield,  
 The Werts Sheel Metal and Glass Ware Company,  
 The Western Mining Association,  
 The Weston and Wells Manufacturing Company,  
 Waterville Land and Lumber Company,  
 Wilcomb Knitting Machine Company,  
 Wheatland Improvement Company,  
 Yguana Smelting and Mining Company,

are void, and all powers conferred by law upon such corporations are hereby declared inoperative and void.

I direct that this proclamation shall be filed in the office of the secretary of state and published for one week in the

following newspapers: "The True American," of Trenton, New Jersey; "The State Gazette," of Trenton, New Jersey; "The Jersey City News," of Jersey City, New Jersey; "The Jersey City Democrat," of Jersey City, New Jersey; "The Evening Journal," of Jersey City, New Jersey; "The Camden Review," of Camden, New Jersey.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State to  
[L. S.] be hereunto affixed, at Trenton, this thirty-first day of October, one thousand eight hundred and ninety-three.

GEORGE T. WERTS,  
*Governor.*

By the Governor,  
HENRY C. KELSEY,  
*Secretary of State.*

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#### PROCLAMATION BY THE GOVERNOR.

In accordance with established custom, I, GEORGE T. WERTS, Governor of the State of New Jersey, do hereby designate and appoint Thursday, the thirtieth day of November, instant, to be observed as a day of thanksgiving and praise to Almighty God.

I recommend that on the day named the people of this state abstain, so far as possible, from their ordinary secular pursuits, and devote themselves to appropriate observance of the occasion, and especially to the rendering of thanks to the Heavenly Father for His continued blessings conferred upon our state and nation, with prayer that peace, happiness and prosperity may attend us in the future.

Witness my hand and seal of the State of New Jersey hereunto affixed. Done at the city of Trenton, this eighth day of November, in the  
[L. S.] year of our Lord, one thousand eight hundred and ninety-three, and of the independence of the United States the one hundred and eighteen.

GEORGE T. WERTS.

By the Governor:  
JOHN S. McMASTER,  
*Private Secretary.*

## PROCLAMATION BY THE GOVERNOR.

WHEREAS, on the thirty-first day of October, eighteen hundred and ninety-three under "An act to repeal the charters "of all corporations that have heretofore failed to pay State taxes imposed on them by law" approved March 26th, 1891, I did issue my proclamation of that date that the charters of certain corporations reported by the comptroller as in default in the payment of taxes imposed on them by law, were repealed and declared null and void.

And whereas it is established to my satisfaction that the Edison Phonograph Company, one of the corporations named in said proclamation has not refused or neglected to pay said tax within two consecutive years, and was inadvertently reported to the Governor as aforesaid as refusing and neglecting to pay the same as aforesaid, whereas its liability to the supposed tax reported was and still is in litigation in the Supreme Court and Court of Errors and Appeals of this state to which said tax has been removed by writs of certiorari and of error.

Now therefore in pursuance of the second section of an act of this state approved March 13th, A. D. 1893, being Chapter CXXXVIII of the laws of that year entitled "A Supplement to an act entitled 'An act to amend an act "concerning corporations,' approved April seventh, one thousand eight hundred and seventy-five, which amendatory act was approved March twentieth, one thousand eight hundred and ninety-one"

I, GEORGE T. WERTS, Governor of the State of New Jersey, do hereby correct the mistake of including said the Edison Phonograph Company and of naming in my said former proclamation, and do make the same known by this my proclamation to be filed in the office of the Secretary of State.

In witness whereof I have hereto set my hand and caused the great seal of the State to be hereunto affixed at Trenton this twenty eighth day of November in the year one thousand eight hundred and ninety-three.

GEORGE T. WERTS.

[SEAL]

By the Governor,

HENRY C. KELSEY,  
*Secretary of State.*

## PROCLAMATION BY THE GOVERNOR.

## STATE OF NEW JERSEY.

Pursuant of the authority vested in me by a joint resolution of the legislature, relative to the planting of forest trees, approved February twenty first, one thousand eight hundred and eighty four, I do hereby set apart Friday, the twenty seventh day of April, one thousand eight hundred and ninety four, for the planting of forest trees, and recommend that the day be devoted by the people to that purpose.

In witness whereof, I have hereunto set my hand and caused the great seal of the state to be  
[L. S.] hereunto affixed, at Trenton, this twenty-seventh day of March, one thousand eight hundred and ninety four.

GEORGE T. WERTS.

By the Governor,  
HENRY C. KELSEY,  
*Secretary of State.*



PROCLAMATION BY THE GOVERNOR.

WHEREAS, the comptroller did, on the first day of May, 1894, under the provisions of an act entitled "An act to amend 'An act concerning corporations,' approved April 7th, one thousand eight hundred and seventy-five," approved March 20th, 1891, report to the governor a list of all corporations coming within said act;

AND WHEREAS, the following corporations so reported had, on the first day of May, 1894, for two consecutive years, failed, neglected or refused to pay the state taxes which had been assessed against them for the year 1891, under the laws of New Jersey, and made payable into the State Treasury;

AND WHEREAS, under the provisions of said act, the charters of the said corporations are made void, and all powers conferred by law upon such corporation declared inoperative and void, unless the governor gives further time for payment;

AND WHEREAS, the governor has not given further time to the corporations so reported and hereinafter named for the payment of such taxes, and the same are still unpaid;

THEREFORE, I, GEORGE T. WERTS, Governor of the State of New Jersey, in pursuance of the provisions of the said act of the legislature, do hereby issue this proclamation under said act of the legislature, that the charters of the following named corporations so reported and in default, to wit:—

Acme Boiler Cleaning Company,  
Acme Specialty Company,  
Alexander Medicine Company,  
Algeria Heights Company (Limited),  
Alliance Chemical Company,  
Aluminum Battery Electric Light and Power Company,  
Aluminum Plating Company,  
American Amusement Syndicate,  
American Automatic Gas Machine Company,  
American Brewing Company of Newark, New Jersey,  
American Cash Register Company,

American Color Printing Machine Company,  
American Derrick Company,  
American Electro Matrix Company,  
American Envelope Company,  
American Ice Machine Company,  
American Jewelry Manufacturing Company,  
American Mattress and Cushion Company,  
American Metallic Belt Company,  
American Musician Publishing Company,  
American Nail Driver Manufacturing Company,  
American Private Telephone Company,  
American Railway Publishing Company,  
American Ramie Company,  
American Rapid Decorative Art Company,  
American Tanning Company,  
American Trading Company,  
American Tree Guard Company,  
Anchor Artificial Stone Pavement Company,  
Anderson Fowler Company,  
Anti-Dust Carpet Lining Company,  
Apex Manufacturing Company,  
Appleton Alarm Company,  
Aquidneck Pure Ice Company,  
Archer Gas Company,  
Ardmore Coal Company,  
Argus Company,  
Arkansas City and Cherokee Strip Land Improvement  
Company,  
Armstrong Bulkley Company,  
Atlantic City Amusement Company (No. 2),  
Atlantic Land and Improvement Company,  
Atlantic and Pacific Ship Railway Construction Company,  
Automatic Phototype Company of New York and New  
Jersey,  
Automatic Printer and Roll Paper Cutter Company,  
Baltimore Globe Company,  
Barnegat Park Company,  
Barry Neckwear Manufacturing Company,  
Batdorf Lighthouse Machine Company,  
Bay State Construction Company,  
Baynes Tracery and Mosaic Company,  
Bavarian Brewing Company,  
Berkley Brick Company,

Big Sandy Land and Manufacturing Company,  
 Birmingham Company,  
 Blue Flame Manufacturing Company,  
 Brady Vapor Engine Company,  
 Brooklyn Dry Goods Company,  
 Brown Electric Protector Company of New England,  
 Buffalo Iron Mining Company,  
 Bush and Company Soap Company,  
 Cable Motor Traction Company,  
 California Oil Company,  
 Camden Roller Bearing Company,  
 Campbell Remedy Company,  
 Cape May Point Cottage Company,  
 Caroline Construction Company,  
 Casey Machine and Supply Company,  
 Castle Rock Improvement Association,  
 Castle Rock Park,  
 Central Development Company,  
 Central Rubber Selling Company,  
 Chanticleer Company,  
 Chase Combination Car Spring Company,  
 Chemical Electric Light and Motive Power Company,  
 City Publishing Company,  
 Clamond Gas Burner Company of New York,  
 Coleman Tin Chemical Company,  
 Color Printing Promotion Company,  
 Columbus Market Company,  
 Combined Fire Engine Manufacturing Company,  
 Consolidated Electric Storage Company,  
 Continental Motor and Electrical Company,  
 Continental Dynamo and Motor Company,  
 Cook Mining Machinery Company,  
 Cook Storage Warehouse Company,  
 Cooper Mining Company,  
 Crystal Spring Ice Company,  
 Dalhman Dressed Beef Company,  
 Delaware Bay and Southern Transportation Company,  
 Delaware Front Electric Light and Power Company,  
 D. Louis Ireton Paint and Glass Company,  
 Dodd Shutter Worker Company,  
 Dunn Hardware and Paint Company,  
 Dredging Improvement Company,  
 Eads Concession Company,

Eastern Union Paving Company,  
Eatontown and Long Branch Turnpike Company,  
Echo Publishing, Inspecting and Adjusting Company,  
Eddystone Boiler and Filter Company,  
Edison United Phonograph Company,  
Egg Harbor City Land Company,  
Electric Chronometer Company,  
Electric Music Company,  
Electro Metalizing Company,  
Empire Coal and Lumber Company,  
Empire Lubricating Company,  
Empire Union Pavement Company,  
Essex Construction Company,  
Essex Terra Cotta Lumber Company,  
Eureka Cigar Machine Company,  
Eureka Motor Company,  
Federal Automatic Portrait Company,  
Fidelity Claim Company,  
Fidelity Construction Company,  
F. E. Crane Company,  
Fissure Vein Silver Mining Company,  
Forged Steel Car Wheel Company,  
Foresters Hall Association,  
Fowler Automatic Baking Company of Philadelphia,  
F. W. Moore and Company,  
F. Williams Company,  
Frankford Wood Working Company,  
Freeman Water Meter Company,  
French Fastener Company,  
Fulton Construction Company,  
George Frost and Sons,  
German American Brewing Company,  
G. J. Holbrook Company,  
Girard Storage and Teaming Company,  
Globe Lamp and Pottery Works,  
Good Luck Medicine Company,  
Gould Elastic and Fire Proof Paint Company,  
Griffin Manufacturing Company,  
Guarantee Gas Governor Company,  
Guarantee and Collection Company of America,  
Hanford Peckham and McCance Company,  
Hathaway Cigar Rolling Machine Company,  
Haworth Improvement Company,

Hegeman-Oliphant Filter Company of New Jersey,  
 Heliocaustic Art Company,  
 Henkle Incandescent Gas Burner Company,  
 H. Julius Smith & Company (Limited),  
 Hematite Ore Mining & Dufford Pottery Company,  
 Hercules Car Brake and Starter Company,  
 Hoboken Supply Company,  
 Home Medication Company,  
 Howe Gold Extraction Company,  
 Hygeia Protective Company,  
 Imre Kiraly Spectacular Company,  
 Indo-European Art Company,  
 Indurated Fibre Industries Company,  
 Indurated Fibre Pipe Company,  
 International Art Publishing Company,  
 International Wool Improving Company,  
 Inter-State Publishing and Agency Company,  
 Investors Commercial Company,  
 Investors Directory Company,  
 Island Heights Hotel Company,  
 Jenness Miller Publishing Company,  
 Jersey City Base Ball and Exhibition Company,  
 Jersey City Sheep and Wool Company,  
 John Baird Coal Company,  
 J. N. Grant Preserving Company,  
 Johnson Pneumatic Tube Company,  
 Joseph Sholl Company,  
 Jourdan Wine Company of Newark, New Jersey,  
 Kaw City Construction Company,  
 Kings County Improvement Company,  
 King Locomotive Works,  
 Kingsdale Automatic Signal and Switch Company,  
 Keystone Printing Company,  
 Knapp Campbell Gas Company,  
 Kobbi Publishing Company,  
 Ladies Specialty Company,  
 Laughlin Towing and Transportation Company,  
 Lawrence Patent Hat Trimming Company,  
 Leggott Rubber Tire Company,  
 Lew Dockstader Minstrel Company,  
 Lewis S. Cox Company,  
 Light House Machine and Selling Company,  
 Lilly White Washing Compound Company,

Litho Carbon Company,  
Live Stock Agency Company,  
Louisiana Land and Lumber Company,  
Loyal American Publishing Company,  
Marine Life Suits and Swimming Apparatus Manufacturing Company,  
Mackinnon Pulley Company,  
Manhattan Company of Paris,  
Manhattan Construction Company,  
Manifold Book Company,  
Marquis de Mores Company,  
Maryland Ice Company,  
Massasoit Lubricating Company,  
McCormick Connelly and Company,  
Medford Fancy Goods Company,  
Mendel, Howard and Mandel Manufacturing Company,  
Merchants Fruit Company,  
Middlesex Manufacturing Company,  
Middletown Safe Deposit and Trust Company,  
Miranda Fire Proof Construction Company,  
Montclair Paper Company,  
Morrow Emergency Brake Company,  
National Artesian Water Supply and Steam Heating Company,  
National Embossing Machine Company,  
National Investment Publishing Company,  
National Marine Construction Company,  
Newark Bag Frame Company,  
Newark Fancy Goods Manufacturing Company,  
Newark Fruit and Produce Company,  
Newark Printing and Publishing Company,  
New Durham Art Pottery Company,  
New Hunterdon County Agricultural Society,  
New Jersey Investment Company,  
New Jersey Light and Heat Company,  
New Jersey Self-Winding Clock Company,  
New Mexico Land and Irrigation Company,  
New World Travel Company,  
New York Carbon and Transfer Paper Company,  
New York Chemical Company,  
New York Cooperage Company,  
New York Electric Ice Company,  
New York Electro Magnetic Railway Power Company,

New York Gas Saving Trust,  
 New York Model Heel Shaping Machine Company,  
 New York Standard Paper Fibre and Chemical Company,  
 New York Steamship Company,  
 New York and Arkansas Construction Company,  
 New York and Brooklyn Rock Plaster Company,  
 New York and New Jersey Light and Fuel Company,  
 New York and New Jersey Liquor Maturing Company,  
 New York and Petersburg Granite Company,  
 New York and Suburban Dairy Company,  
 Nightingale and Knight Silk Factory,  
 Northampton Brick Company,  
 North American Dredging and Improvement Company,  
 North River Lumber Company,  
 Northwest Dressed Beef and Land Company,  
 Novel Wrench Company,  
 Number One Consolidated Silver Mining Company,  
 Ocean City Excursion Company,  
 Orange Evening Mail Publishing Company,  
 Osborn Stable Company,  
 Otis Steel Company of New Jersey,  
 Pacific Land Company,  
 Palisade Stone Company,  
 Pan Handle Fruit and Nursery Company,  
 Park Coal and Coke Company,  
 Parsons Block Switch and Frog Company,  
 Patent Car Replacer Manufacturing Company,  
 Patent Development Company,  
 Paterson Coal Exchange,  
 Patten Alternating Motor Company,  
 Pauls Varnish Company,  
 Pavonia Parlor Furniture Company,  
 Pechin Belting Company,  
 Penn Fire Extinguisher Company,  
 Pennsylvania Trading Company,  
 Pennsylvania Watch Company,  
 Peoples Union Pavement Company,  
 Peoples Universal Supply Company,  
 Perforating Machine and Pattern Company,  
 Perth Amboy Brick Company,  
 Philadelphia Brick Company,  
 Philadelphia Chewing Gum Manufacturing Company,  
 Philadelphia Locomotive, Vehicle and Stationary Motor  
 Company,

Philadelphia Lumber Company,  
Philadelphia Sanitary Excavating and Dredging Company,  
Pioneer Land Improvement Company,  
Queen City Dry Goods Company,  
Reno Union,  
Renton Mercantile Agency Company,  
Reversible Ventilating Window Company,  
Rimmer Water Purifying Company,  
Rockaway Publishing Company,  
Rockaway Valley Construction and Manufacturing Company,  
Rolled Steel Carriage Wheel Company,  
Roseberry Metrolactis Company,  
Ross Common Springs Company,  
Royal Novelty Company,  
Ruby Light Company,  
Rusling Glass Butter Jar Company,  
Salvador Reduction Company,  
Sanitary Sewer and Sewage Utility Company,  
Schumacher Rohmer Lithographic Company,  
Scoria Manufacturing Company,  
Sea Side Ice Company,  
Security Elevator Company,  
Seminola Heights Land Improvement Company,  
Sheet Metal Machine Company,  
Short Hills Land and Improvement Company,  
Shippers Lumber Company,  
Sir Dominick Corrigan Rheumatic and Gout Remedy  
Company,  
Slag Block Manufacturing Company,  
Sollers Shoe Company,  
South American Improvement Company,  
South American Trinidad Asphalt Paving Company,  
Southern Gas, Trust and Construction Company of the City  
of Newark, New Jersey,  
Sovereign Land and Hotel Company,  
Standard Cash Register Company,  
Standard Flush Tank Company,  
Standard Leather Manufacturing Company,  
Standard Lumber Company,  
Standard Phosphate Rock Company,  
Staten Island Light, Heat and Power Company,  
Steam Regulating Company,  
Stella Phosphate Mining Company,



St. Francois County Lead Mining Company of Missouri,  
 Sterling Watch Company,  
 Straws Publishing Company,  
 Strong Locomotive Company,  
 Styron National Fuel Gas Company,  
 Sunderland Telephone Company,  
 Syndicate Watch Company,  
 Texas Street Railway and Land Company,  
 Textile Chemical Company,  
 Theo. C. Knauff Company,  
 Thompson Duplicator Company,  
 Thompson Duplicating and Copying Machine Company,  
 Times Printing and Publishing Company of Plainfield,  
     New Jersey,  
 Toraya Patent Gas Company of Pennsylvania,  
 Trenton Brass and Iron Foundry Company,  
 Trenton Steam Heating Company,  
 Truss Spring Company,  
 T. T. Woodruff Folding Bed and Metallic Furniture Com-  
     pany,  
 Uhlig Cash Register Company,  
 Union Coupler Company,  
 Union County Water Company,  
 Union Credit Company of Philadelphia,  
 Union Fibre and Reclaiming Company,  
 Union Fuel Company,  
 Union Mercantile Company,  
 Union Trading Company,  
 United States Arc Gas Lamp Company,  
 United States Axe and Tool Works,  
 United States Bond Investment and Real Estate Company,  
 United States Humane Fountain Company,  
 United States Incandescent Gas Light Company,  
 United States Safety Paper Company,  
 United States Time Checking and Recording Company,  
 United States Wenham Patent Gas Lamp Company,  
 Universal Manufacturing Company,  
 Universal Motor Company,  
 Universal Press Company,  
 Van Campen Brothers and Company,  
 Wayne Stone Company,  
 Wenstrom Alternating Dynamo and Motor Company,  
 Westchester Development Company,

William H. McClave Company,  
Williamstown and Good Intent Turnpike Company,  
Willits Oil Company,  
W. Ryder Manufacturing Company,  
W. P. Husband Flour Mills Company,  
Weymouth Sulphite Pulp and Paper Company,  
are void, and all powers conferred by law upon such corporations are hereby declared inoperative and void.

I direct that this proclamation shall be filed in the office of the Secretary of State and published for one week in the following newspapers: "The True American," of Trenton, New Jersey; "The State Gazette," of Trenton, New Jersey; "The Jersey City News," of Jersey City, New Jersey; "The Jersey City Democrat," of Jersey City, New Jersey; "The Evening Journal," of Jersey City, New Jersey; "The Camden Review," of Camden, New Jersey.

In witness whereof, I have hereunto set my hand and caused the great seal of the state to be  
[L. S.] hereunto affixed, at Trenton, this eighth day of May, one thousand eight hundred and ninety-four.

GEORGE T. WERTS,  
*Governor.*

By the Governor,  
HENRY C. KELSEY,  
*Secretary of State.*

## PROCLAMATION BY THE GOVERNOR.

Whereas, it has been satisfactorily made to appear that in the list of New Jersey corporations reported to the governor of said state on the first day of May, eighteen hundred and ninety-one, was inadvertently included the corporation known as the "Passaic Iron Ore Company" as one of the corporations which had for two consecutive years failed, neglected and refused to pay the state taxes which had been assessed against them under the laws of the said state of New Jersey, and made payable into the state treasury,

And Whereas, it appears that all taxes due from the said "Passaic County Iron Ore Company" have been cancelled by a resolution adopted by the State Board of Assessors, and that the said company is not liable to the penalties set forth in the proclamation of the governor of said state bearing date on the seventh day of January, eighteen hundred and ninety-three, although the said corporation, known as the "Passaic County Iron Ore Company" is included in the list of corporations specified therein,

Now, Therefore, I, GEORGE T. WERTS, Governor of the said State of New Jersey, do issue this my proclamation, revoking so much of the said proclamation of January seventh, eighteen hundred and ninety three, above referred to, as applies to the said corporation named therein as the "Passaic County Iron Ore Company;" and said last mentioned company is hereby declared to be restored to all of its corporate rights, powers, privileges and franchises as fully as if the said proclamation of January seventh, eighteen hundred and ninety-three, had not been issued and published as aforesaid; and I further direct that this proclamation be filed in the office of the Secretary of State of the state of New Jersey.

In witness whereof I have hereunto set my hand and caused the great seal of the said state  
[L. S.] of New Jersey to be hereunto affixed, at Trenton  
this eighth day of August, A. D., 1894.

GEORGE T. WERTS,

Attest:

Governor.

HENRY C. KELSEY,  
*Secretary of State.*

## PROCLAMATION BY THE GOVERNOR.

Whereas, on the thirty-first day of October, eighteen hundred and ninety-three under "An act to repeal the charters of all corporations that have heretofore failed to pay state taxes imposed on them by law," approved March 26th, 1891, I did issue my proclamation of that date that the charters of certain corporations reported by the comptroller as in default in the payment of taxes imposed on them by law, were repealed and declared null and void,

And whereas, it is established to my satisfaction that the Victor Brush Company, one of the corporations named in said proclamation, has not refused or neglected to pay said tax within two consecutive years, and was inadvertently reported to the Governor as aforesaid as refusing and neglecting to pay the same as aforesaid, whereas its liability to the supposed tax reported was and still is in litigation in the Supreme Court and Court of Errors and Appeals of this State to which said tax has been removed by writs of certiorari and of error.

Now, Therefore, in pursuance of the second section of an act of this State, approved March 13th, A.D. 1893, being chapter CXXXVIII of the laws of that year entitled "A supplement to an act entitled 'An act to amend an act concerning corporations,' approved April seventh, one thousand eight hundred and seventy-five," which amendatory act was approved March twentieth, one thousand eight hundred and ninety-one,

I, GEORGE T. WERTS, Governor of the State of New Jersey, do hereby correct the mistake of including the said Victor Brush Company and of naming said company in my former proclamation, and do make the same known by this my proclamation to be filed in the office of the Secretary of State.

[L. S.] In Witness Whereof I have hereto set my hand and caused the great seal of the state to be hereunto affixed at Trenton, this thirty-first day of July, in the year one thousand eight hundred and ninety-four.

GEORGE T. WERTS,  
*Governor of the State.*

By the Governor:  
HENRY C. KELSEY,  
*Secretary of State.*

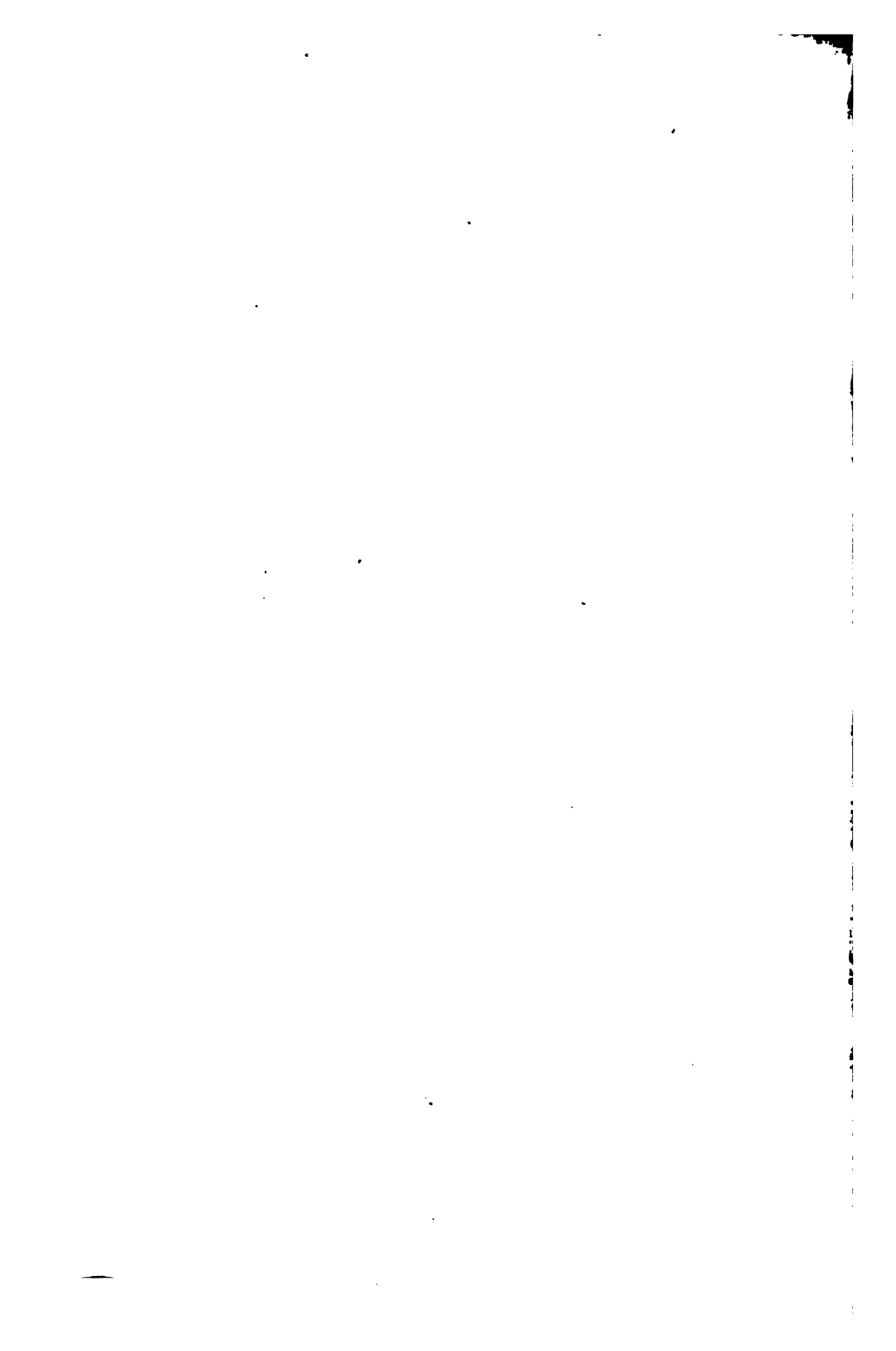
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# SPECIAL PUBLIC ACTS.

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## SPECIAL PUBLIC ACTS

PASSED BY THE

# One Hundred and Eighteenth Legislature

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### CHAPTER LIX.

An Act to establish a new township in the county of Burlington and state of New Jersey, to be known as the township of Palmyra

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Cinnaminson and the borough of Riverton lying within the following boundaries, to wit: beginning at a point in the middle of Pensauken creek, opposite the line separating the farm of John Evaul and the farm of the estate of Charles Wallace, deceased, and running northeasterly along said line to the east side of Cinnaminson avenue, in Palmyra; thence in the same direction along the northerly line of Morgan cemetery; thence in the same direction, on the line between the lands of Charles E. Price and William F. Morgan to a stone corner; thence along the line between the lands of the said Charles E. Price and William F. Morgan, in a northwesterly direction, to the southerly line of Cleveland street; thence northeasterly along the southerly line of Cleveland street, to a point on the north side of Highland avenue; thence in a northerly direction, on a line towards the middle of Main and Eighth streets, in Riverton, to its intersection with Riverton borough line; thence northwesterly along the said borough line to the middle of Morgan avenue; thence along the middle of said

Boundaries of township.

Morgan avenue to the Delaware river ; and thence south-westerly along said Delaware river, by its various courses and distances, to the mouth of Pensauken creek ; thence in a southerly direction along the middle of said Pennsauken creek, by its various courses and distances, to the place of beginning, shall be and hereby is set off from the township of Cinnaminson and the borough of Riverton, in the county of Burlington, and made a separate township, to be known by the name of Palmyra.

Body politic  
and corporate.

Name.

2. *And be it enacted*, That the inhabitants of the township of Palmyra shall be and hereby are constituted a body politic and corporate in law, and shall be styled and known by the name of the inhabitants of the township of Palmyra ; in the county of Burlington, and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liberties as the inhabitants of the other townships in the county of Burlington are or may be entitled to by the laws of the state of New Jersey.

Officers to hold  
until next  
election.

Vacancies how  
filled.

Township  
committee  
constituted  
and powers.

Chosen free-  
holder.

Committees to  
meet and allot  
and divide  
property, &c.

3. *And be it enacted*, That the persons holding office and residing in the new township of Palmyra shall hold their respective offices until the next annual township election ; and the township committee of the township of Palmyra shall fill all vacancies in office that may be created in the formation of the new township of Palmyra by this act.

4. *And be it enacted*, That Clayton Conrow and Joshua D Janney shall constitute a township committee in conjunction with Isaac Evaul, the present member of the township committee of Cinnaminson township, and have power to fill the vacancies in the township offices for Cinnaminson township, created by virtue of this act.

5. *And be it enacted*, That Enoch Evans shall be, and is hereby constituted the chosen freeholder of Cinnaminson township, until the next annual township election.

6. *And be it enacted*, That the township committees of the township of Cinnaminson and the township of Palmyra shall meet within thirty days after the passage of this act, at two o'clock in the afternoon, at the house of Levis H. Wallace, in the township of Palmyra, and shall then and there proceed by writing, signed by a majority of the members of the said committees present, to allot and divide between the said townships, all property, real and personal, moneys on hand, due or to become due, in proportion to



the taxable property and ratables, as assessed by the assessor of Cinnaminson township, within the limits of the respective townships of Palmyra and Cinnaminson, at the last assessment, and may adjourn said meetings from time to time, as a majority of those present may deem proper, and the inhabitants of the said respective townships, shall be liable to pay their just proportion of the debts, if any there may be, and a majority of the persons comprising the township committees of the said two townships shall constitute a quorum, and may proceed to make the said division, and their decision shall be final and conclusive; *provided*, that Provide. it shall be lawful to adjourn said meeting to such time or times and place or places, within either of the said townships, as a majority of those present as aforesaid may deem proper.

7. *And be it enacted*, That nothing contained in this act shall be construed so as to interfere with or impair the commissions of justices of the peace, commissioners of deeds or constables until they shall expire by limitation, or so as to impair the rights of the said township of Palmyra in and to its just and legal proportion of the surplus revenue of the general government and the interest thereon. Commissions of certain officers not impaired.

8. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Repealer.

9. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved April 19, 1894.

## CHAPTER LXI.

An Act to repeal an act entitled "An act to enable the owners and possessors of marshes, meadows and swamps, bound on the southwest side of Raccoon creek, between the banks of Constantine Wilkins and Conrad Shoemaker, in the township of Woolwich and county of Gloucester, known by the name of the Thoroughfare Island marshes, meadows and swamps, to stop out the tide from overflowing the same, and for other purposes therein mentioned," passed March eleventh, one thousand seven hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to enable the owners and possessors of marshes, meadows and swamps, bound on the southwest side of Raccoon creek, between the banks of Constantine Wilkins and Conrad Shoemaker, in the township of Woolwich and county of Gloucester, known by the name of the Thoroughfare Island marshes, meadows and swamps, to stop out the tide from overflowing the same, and for other purposes therein mentioned," passed March eleventh, one thousand seven hundred and seventy-four, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER LXXVII.

An Act to set over a part of Elk township, in Gloucester county, to become a part of Clayton township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Elk, in the county of Gloucester, lying within the following boundaries, to wit, beginning at the intersection of the present township line between Clayton and Elk townships with the road leading from Clayton to Unionville, and running (1) in a westerly direction in a straight line to the center of the bridge in the Buck road at the head of Moore's lake; thence (2) in a course generally southeasterly along the southwest boundary of Moore's lake to the western side of the bridge at the dam; thence (3) still in a southeasterly direction down the stream to the corner of the present Elk, Clayton and Franklin township lines at the eastern side of the little mill pond; thence (4) in a northerly direction, along the present Elk and Clayton township line to the place of beginning, shall be and the same is hereby set over from the township of Elk to the township of Clayton and the same shall become a part of the said Clayton township.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 24, 1894.

## CHAPTER XCIV.

An Act for the preservation of fish in the Hackensack river and its tributaries or branches within the counties of Bergen and Hudson.

Unlawful to take certain fish except with hook and line.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons to take any striped bass, white or yellow perch from the Hackensack river and its tributaries or branches within the counties of Bergen and Hudson, by any means, methods or devices, save only with hook and line, commonly called angling, or with scroll-spoon, commonly called trolling.

Offender may be punished by fine or imprisonment.

2. *And be it enacted*, That any person who shall offend against the provisions contained in this act shall, upon conviction thereof before any justice of the peace, either in the county in which said offense is committed or in which the offender resides or may be found, be punished by imprisonment in the common jail of the county where the conviction is had, for the term of ten days, or by a fine of twenty dollars and costs for each and every offense, one-third of the said fine to be paid by the said justice into the treasury of the state, one third to the fish warden making the complaint, and the balance to the person or persons furnishing material evidence towards conviction, and, if said fish warden be the only witness, he shall receive the balance of the fine, and when any fine or imprisonment is imposed by virtue of this act, the offender or offenders shall stand committed until fine and costs are paid.

3. *And be it enacted*, That if any person or persons shall be found making use of a boat, seine, net, gill, drift, purse net or nets, anchor or sink nets, fixed nets, trap, pot, pound, fike, weir or other apparatus or tackling except hook and line, commonly called angling, or scroll-spoon, commonly called trolling, for the taking of striped bass, white or yellow perch, in any of the aforesaid waters within the jurisdiction of the state, contrary to the true intent and

meaning of this act, he or they so offending shall, in addition to the fine and penalties aforesaid, forfeit the boat or boats, seine or seines, net or nets, gill or gills, drift or drifts, purse net or nets, anchor or sink net or nets, or fixed net or nets, trap or traps, pot or pots, pound or pounds, fike or fikes, weir or weirs, or other apparatus, except said hook or line or scroll-spoon, so made use of; and it shall be the duty of all the sheriffs, constables and fish wardens, and may be lawful for any person or persons to seize and secure any such boat or boats, seine or seines, net or nets, gill or gills, drift or drifts, purse net or nets, anchor or sink net or nets, or fixed net or nets, trap or traps, pot or pots, pound or pounds, fike or fikes, weir or weirs, or other apparatus or tackling other than said hook and line or scroll-spoon as aforesaid. and immediately thereafter give notice to some justice of the peace of the county where such seizure shall have been made, and such justice is hereby required and empowered, at such time and place as he shall appoint for the trial thereof, to hear and determine the same in a summary manner, and in case the same shall be condemned, it shall be sold by order and under the direction of the said justice, who, after deducting all legal costs and charges, shall pay one-third of the proceeds of said sale to the fish warden of the county in which such offense shall have been committed, one-third to the person making the complaint and the other one-third to the person who shall have seized and prosecuted the same and furnished the necessary evidence.

And shall forfeit boats, seines, &c.

Duty of sheriffs and other officers and for any person to seize boats, &c.

Justice of peace shall hold trial and determine case.

4. *And be it enacted*, That hereafter it shall not be lawful for any person or persons to use any seine, net, gill, drift, purse net or nets, anchor or sink nets, fixed nets, trap, pot, pound, fike, weir or other apparatus or tackling, except hook and line, commonly called angling, or scroll-spoon, commonly called trolling, in the said Hackensack river and its tributaries, between the tenth day of June and the twenty-fifth day of February in any year, under the pain, penalties and forfeitures provided herein.

Unlawful for any person to use seines, &c., during closed season.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 26, 1894.

## CHAPTER CXVIII.

A Further Supplement to "An act to authorize the ditching and draining of the Bog and Fly meadow in Morris county," passed February twentieth, one thousand eight hundred and eleven.

Appointments  
of commission-  
ers to survey  
boundaries  
of property to  
be taxed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to carry out the provisions of the act approved April first, one thousand eight hundred and seventy-five, that three commissioners, consisting of Austin Doremus, Theodore C. Doremus and George De Bow, are hereby appointed to survey, lay out, designate and divide the boundaries of the property to be taxed, as described in the bill aforesaid, approved April first, one thousand eight hundred and seventy-five.

Compensation  
of commis-  
sioners.

2. *And be it enacted*, That the said commissioners shall receive no compensation for their services, except only for the time actually employed in making the survey, and to be paid at the rate of two dollars per day for said services.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 1, 1894.

## CHAPTER CCXLII.

An Act to annex to the city of Trenton, in the county of Mercer, certain parts of the township of Ewing in said county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the parts of the township of Ewing, in the county of Mercer, described as follows: first <sup>Boundaries described.</sup> part, beginning at a point in the Delaware river in the line dividing the city of Trenton from the township of Ewing, and running thence (1) along said division line northeasterly to a point in the Trenton branch of the Delaware and Bound Brook railroad company; thence (2) still along said division line southeasterly to a stone near the north side of Reservoir street, in the westerly line of lands late of Joseph H. Hough, deceased; thence (3) still along said division line northeasterly to a point in the northeasterly line of Kirkbride avenue; thence (4) along the northeasterly line of Kirkbride avenue northwesterly, to a point in the northwesterly line of Calhoun street; thence (5) southwesterly, along the northwesterly line of Calhoun street, to a point in the northeasterly line of Ingham street; thence (6) northwesterly by a straight line, being a prolongation of the said northeasterly line of Ingham street, to a point in the northwesterly line of Shabbakonk road; thence (7) northeasterly, along said northwesterly line of said Shabbakonk road, to a point in the southwesterly line of a new street recently laid out by James Brook, and known as Parkway avenue; thence (8) northwesterly, along the southwesterly line of said Parkway avenue, to a point in the westerly line of the Hopewell and Ewing turnpike, commonly known as Pennington avenue; thence (9) northerly, along the westerly line of said Hopewell and Ewing turnpike to a point in the southerly line of the branch turnpike, commonly known as the Scotch road; thence (10) northwesterly, along the southerly line of said branch turnpike, the several courses thereof, to a stone corner to lands of the estate of Thomas Cadwalader, deceased, and lands of G. W. Farlee; thence

(11) southwesterly by the division line between said lands, the several courses thereof, to a point in the southwesterly of Stuyvesant avenue and the northeasterly line of Cadwalader park; thence (12) northwesterly, along said southwesterly line of said Stuyvesant avenue and the northeasterly line of Cadwalader park, the several courses thereof as now laid out, opened and used, to the line of lands of the state of New Jersey on which the state industrial school for girls is located; thence (13) southerly along the division line between lands of Cadwalader park and lands of the state of New Jersey, to a point for a corner of lands of Cadwalader park; thence (14) northwesterly along lands of Cadwalader park and of the state of New Jersey to corner of lands of Cadwalader park in line of lands now or formerly of Horace A. Buttolph; thence (15) southwesterly along the line of lands now or late of said Horace A. Buttolph to a point in the center line of the feeder of the Delaware and Raritan canal; thence (16) easterly along the center line of said feeder to the westerly line of lands formerly belonging to the estate of Thomas Cadwalader, deceased; thence (17) southerly along the westerly line of lands now or late belonging to the estate of Thomas Cadwalader, deceased, to the river Delaware; thence (18) southeasterly, along said river Delaware, to the point of beginning; second part, beginning at a point in Princeton avenue, at an angle in the line dividing the city of Trenton from the township of Ewing, and running thence (1) along said division line southeasterly, to a point in the middle of the Delaware and Raritan canal; thence (2) still along said division line and in center of said canal easterly, to the line dividing the township of Ewing from the city of Trenton and the township of Lawrence; thence (3) along said last-mentioned line northerly to a point in the middle of Princeton avenue; (4) along the middle of said avenue southwesterly to the point of beginning—be and the same are hereby set off from said township of Ewing, in the county of Mercer, and annexed to and made part of the city of Trenton, in said county.

Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved May 16, 1894.



## CHAPTER CCLIII.

An Act to repeal an act entitled "An act to transfer the charge and keeping of the jails and custody of the prisoners in the counties of Essex and Hudson, from the sheriffs to the boards of chosen freeholders, and for the employment of the prisoners, and to regulate their term of service therein," approved February twenty-seventh, one thousand eight hundred and fifty seven, and the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to trans- Acts repealed.  
fer the charge and keeping of the jails and custody of the prisoners in the counties of Essex and Hudson, from the sheriffs to the boards of chosen freeholders, and for the employment of prisoners, and to regulate their term of service therein," approved February twenty seventh, one thousand eight hundred and fifty-seven, and the several supplements thereto, be and the same are, and each of them is, hereby repealed, and that this act shall take effect immediately.

Passed May 16, 1894.

## CHAPTER CCLXXIV.

An Act to set off a portion of Upper Pittsgrove township, in the county of Salem, into Pittsgrove township, in the county of Salem, and to change the boundaries between said townships accordingly.

Boundaries  
described.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Upper Pittsgrove, in the county of Salem, bounded and described as follows, to wit: beginning at the stone in the present line between the townships of Pittsgrove and Upper Pittsgrove, on the northwest side of the road leading from Elmer to Shirley, on Ellis Pedrick's farm, which stone is also a corner of the borough of Elmer; thence by the line of the said borough of Elmer north, twenty-one degrees and eighteen minutes east, eighty chains and forty links to the center of the east side of the bridge across the road leading from Elmer to Pole tavern, which is also a corner of the borough of Elmer; thence still by the line of the borough of Elmer north, twenty-six degrees and thirty-three minutes east, twenty-seven chains and seventy-one links to a stake where formerly stood a mile-stone on the northwest side of the road leading from Elmer to Barnsboro, on Rollins Hitchner's farm, which is also a corner of the borough of Elmer; thence still by the line of the borough of Elmer south, fifty-one degrees and nine minutes east, about thirty seven chains, more or less, to the point where the borough line crosses the present township line between the said townships of Pittsgrove and Upper Pittsgrove in James Anthony's field, and on the northwest side of the West Jersey railroad; thence to follow the present line between the said townships of Pittsgrove and Upper Pittsgrove to the place of beginning, be and the same doth and shall hereby cease to be included in and part and parcel of the township of Upper Pittsgrove, in the county of Salem aforesaid, but shall be and is hereby set off by the passage of this act, and doth hereby become a part and parcel of the township of Pittsgrove, in said county of Salem, and shall hereafter be included within the boundaries of the

said township of Pittsgrove, in the county of Salem aforesaid.

2. *And be it enacted*, That the division lines between the said townships of Pittsgrove and Upper Pittsgrove be and they hereby are made to conform to the several courses enumerated in the preceding section of this act. New boundaries of townships.

3. *And be it enacted*, That all acts and parts of acts, Repealer. inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved May 17, 1894.

## CHAPTER CCXCVII.

An Act to annex a portion of Sayreville township to the borough of South Amboy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Sayreville now lying and being between the borough of South Amboy and an imaginary line commencing at the center of Ridgway avenue, one hundred and ten feet north of Raritan street, parallel with said Raritan street to the Raritan river railroad, thence running in a southerly direction to a point distant one thousand one hundred and fifty feet south of the Bordentown and South Amboy turnpike, and one hundred and ten feet west of Prospect street, thence by an imaginary line easterly to the southwest corner of Christ church cemetery, thence north along the west side of Christ church cemetery to the borough line, shall by virtue of this act cease to be a part of the township of Sayreville and become a part of the borough of South Amboy, and the powers and duties of the officers of the said township of Sayreville shall, as to the territory aforesaid, cease and determine upon the approval or passage of this act, and the said territory and inhabitants thereof shall be thenceforth under the government and control of the officers of the borough of South Amboy, subject to the taxation and all Boundaries of portion set off.

the laws and ordinances for the government thereof, and entitled to all the privileges, rights and benefits as are now enjoyed by the inhabitants of the said borough of South Amboy.

Repealer

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 17, 1894.

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# PRIVATE ACTS.

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(601)



## PRIVATE ACTS

PASSED BY THE

# One Hundred and Eighteenth Legislature

### CHAPTER LXX.

A Supplement to an act entitled "An act to incorporate the Washington association of New Jersey," approved March twentieth, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of an act entitled "An act to incorporate the Washington association of New Jersey," which act was approved March twentieth, one thousand eight hundred and seventy four, is hereby amended so as to read as follows :

2. *And be it enacted*, That the capital stock of said association shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and the persons named in the first section of this act are authorized to purchase, hold and convey real estate, and to open books of subscription and take and receive subscriptions to such capital stock, at such time or times and in such manner as they shall deem proper, issuing to such subscribers certificates of the association, which certificates shall state the number of shares subscribed and paid for by the holder of it, and shall bear the signatures of the president and treasurer of the association, and the impress of a suitable seal, which the association is hereby authorized to obtain and use.

Amount of capital stock.  
Authorized to purchase and hold real estate and to receive subscriptions to capital stock and issue certificates therefor.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved April 24, 1894.

## CHAPTER CLX.

An Act for the relief of taxes on the Raymond Roth Pioneer Home of Jersey City, New Jersey.

Property  
exempt from  
taxation.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act the property used and known as the Raymond Roth Pioneer Home, a benevolent institution for the care and support of old and indigent German men and women, be and the same is hereby exempt from personal or real estate taxation ; *provided*, that said home shall at all times be used for the support and maintenance as a home for the German poor in Jersey City, New Jersey.

2. *And be it enacted*, That this act shall take effect immediately.

Passed May 8, 1894.



## CHAPTER CCXLIX.

An Act to authorize the "Pennsylvania and New Jersey railroad company" of the state of New Jersey to connect its railroad with the railroad of the "Pennsylvania and New Jersey railroad company" of the state of Pennsylvania.

WHEREAS, The "Pennsylvania and New Jersey railroad company," a company incorporated under an act of the legislature of the state of New Jersey entitled "An act, to authorize the formation of railroad corporations, and to regulate the same," approved April second, one thousand eight hundred and seventy-three, desires to connect its railroad with the railroad of the "Pennsylvania and New Jersey railroad company," a corporation created by and existing under the laws of the state of Pennsylvania, by constructing a drawbridge over and across the Delaware river from a point in the county of Camden, in the state of New Jersey, near where Pensauken creek enters the said river, to a point in the county of Philadelphia, in the state of Pennsylvania, near where Frankford creek enters the said river (said river being a navigable stream separating the states of Pennsylvania and New Jersey, and the location of said bridge being at a point where the tide ebbs and flows in said river), and building its railroad thereon, to a point of junction with the railroad of the said the "Pennsylvania and New Jersey railroad company" of the state of Pennsylvania, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Pennsylvania and New Jersey railroad company of the state of New Jersey is hereby authorized to connect its railroad with the railroad of the Pennsylvania and New Jersey railroad company of the state of Pennsylvania, and express permission is hereby given to said company to construct a drawbridge over and across the Delaware river, at the place referred to in the Railroads authorized to connect.  
And to construct draw-bridge.

preamble to this act, for the purpose of building its railroad thereon to a point of junction with the railroad of the said the Pennsylvania and New Jersey railroad company of the state of Pennsylvania.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 16, 1894.

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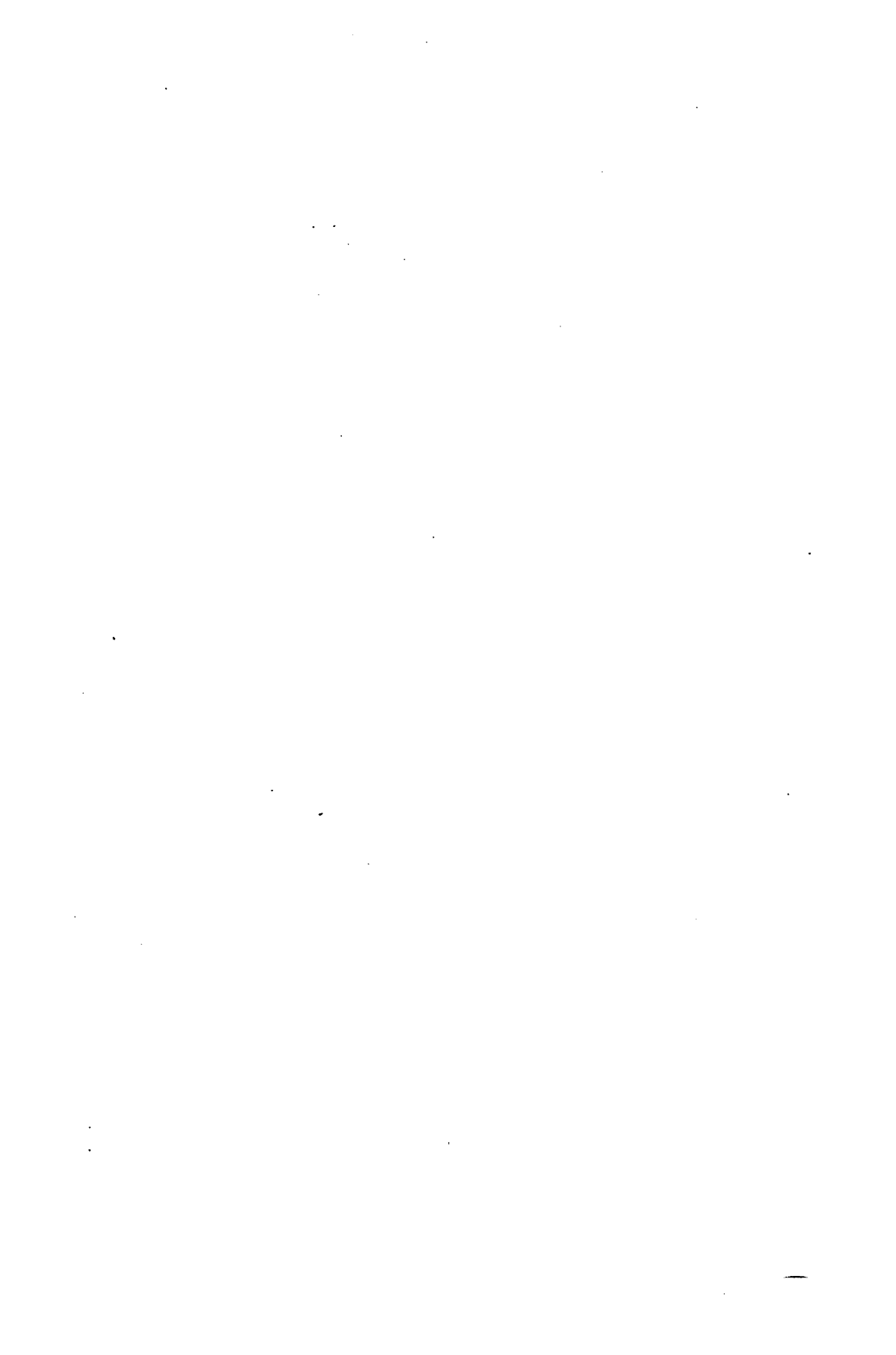
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